

By: Madla

S.B. No. 1857

A BILL TO BE ENTITLED

AN ACT

relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DISSOLUTION. As provided by Section 10 of this Act, the Kinney County Groundwater Conservation District is dissolved, and the underground water resources formerly subject to the district's jurisdiction are made subject to the jurisdiction of the Edwards Aquifer Authority.

SECTION 2. AMENDMENT. Section 1.02(a), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(a) A conservation and reclamation district, to be known as the Edwards Aquifer Authority, is created in all or part of Atascosa, Bexar, Caldwell, Comal, Guadalupe, Hays, Kinney, Medina, and Uvalde counties. A confirmation election is not necessary. The authority is a governmental agency and a body politic and corporate.

SECTION 3. AMENDMENT. Section 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by amending Subdivision (1) and adding Subdivision (28) to read as follows:

(1) "Aquifer" means the Edwards Aquifer, which is that portion of an arcuate belt of porous, water-bearing, predominately carbonate rocks known as the Edwards and Associated Limestones in

1 the Balcones Fault Zone extending from west to east to northeast
2 from the western hydrologic division near Brackettville in Kinney
3 County that separates underground flow toward the Comal Springs and
4 San Marcos Springs from underground flow to the Rio Grande Basin,
5 through Uvalde, Medina, Atascosa, Bexar, Guadalupe, and Comal
6 counties, and in Hays County south of the hydrologic division near
7 Kyle that separates flow toward the San Marcos River from flow to
8 the Colorado River Basin.

9 (28) "Western hydrologic division" means a
10 groundwater divide, delineated in the Edwards Underground Water
11 District Report 95-01, between the Edwards Aquifer to the east and
12 the Edwards-Trinity Plateau Aquifer to the west, which extends
13 along a line, sometimes referred to as the Spofford Fault, that runs
14 from the Kinney County/Maverick County line along a
15 northwest-trending lineament on the west side of the Anacacho
16 Mountains, to the igneous intrusion south of Highway 90 referenced
17 in Report 95-01, through Las Moras Springs to Las Moras Mountain,
18 through Pinto Springs to Pinto Mountain, and then to the Kinney
19 County/Edwards County line along the topographic high in the
20 unnamed escarpment referenced in Report 95-01. The source of water
21 discharged from both Las Moras Springs and Pinto Springs is the
22 Edwards Aquifer.

23 SECTION 4. AMENDMENT. Section 1.04, Chapter 626, Acts of
24 the 73rd Legislature, Regular Session, 1993, is amended to read as
25 follows:

26 Sec. 1.04. BOUNDARIES. The authority includes the
27 territory contained within the following area:

1 (1) all of the areas of Bexar, Kinney, Medina, and
2 Uvalde counties;

3 (2) all of the area of Comal County, except that
4 portion of the county that lies North of the North line through the
5 county of Subdivision No. 1 of the Underground Water Reservoir in
6 the Edwards Limestone, Balcones escarpment area, as defined by the
7 order of the Board of Water Engineers dated January 10, 1957;

8 (3) the part of Caldwell County beginning with the
9 intersection of Hays County Road 266 and the San Marcos River;

10 THENCE southeast along the San Marcos River to the point of
11 intersection of Caldwell, Guadalupe, and Gonzales counties;

12 THENCE southeast along the Caldwell-Gonzales County line to
13 its intersection with U.S. Highway 183;

14 THENCE north along U.S. Highway 183 to its intersection with
15 State Highway 21;

16 THENCE southwest along State Highway 21 to its intersection
17 with Hays County Road 266;

18 THENCE southwest along Hays County Road 266 to the place of
19 beginning;

20 (4) the part of Hays County beginning on the northwest
21 line of the R. B. Moore Survey, Abstract 412, in Comal County where
22 it crosses the Comal County-Hays County line northeast along the
23 northwest line of said Survey to the northeast corner of said Survey
24 in Hays County, Texas;

25 THENCE southeast in Hays County, Texas across the Jas.
26 Deloach Survey, Abstract 878, to the most westerly northwest corner
27 of the Presidio Irrigation Co. Survey, Abstract 583;

1 THENCE northeast along the northwest line of said Survey to
2 its most northerly northwest corner;
3 THENCE continuing in the same line across the R.S. Clayton
4 Survey 2, Block 742, to the west line of the H. & G. N. RR. Co.
5 Survey 1, Abstract 668;
6 THENCE north along the west line of said Survey to its
7 northwest corner;
8 THENCE east along the north line of said Survey to its
9 northeast corner;
10 THENCE northeast across the David Wilson Survey 83, Abstract
11 476, to the southeast corner of the F. W. Robertson Survey 71,
12 Abstract 385;
13 THENCE north along the east line of said Survey to the
14 southwest corner of the Benjamin Weed Survey 72, Abstract 483;
15 THENCE east along the south line of said Survey to its
16 southeast corner;
17 THENCE northeast across the William Gray Survey 73, Abstract
18 92, and the Murray Bailey Survey 75, Abstract 42, to the southwest
19 corner of the D. Holderman Survey 33, Abstract 225;
20 THENCE north along the west line of said Survey to its
21 northwest corner;
22 THENCE continuing in the same line to the north line of the
23 Day Land & Cattle Co. Survey 672;
24 THENCE west along said north line of said Survey to its
25 northwest corner, which is in the east line of the Jesse Williams
26 Survey 4 to the northeast corner of said Survey;
27 THENCE west along the north line of said Survey to the

1 Southwest corner of the Amos Singleton Survey 106, Abstract 410;
2 THENCE north along the west lines of said Amos Singleton
3 Survey 106 and the Watkins Nobles Survey 107, Abstract 346, to the
4 northwest corner of said Watkins Nobles Survey 107;
5 THENCE east along the north line of said Survey to the
6 southwest corner of the Jesusa Perez Survey 14, Abstract 363;
7 THENCE north along the west line of said Jesusa Perez Survey
8 14 to its northwest corner;
9 THENCE east along the north line of said Survey to its
10 northeast corner;
11 THENCE, south along the east line of said Survey for a
12 distance of approximately 10,000 feet to its intersection with
13 Ranch Road 150;
14 THENCE, east by southeast along Ranch Road 150 approximately
15 24,500 feet to its intersection with the southern boundary line of
16 the Andrew Dunn Survey 9, Abstract 4;
17 THENCE, east along the south line of said survey as it extends
18 and becomes the southern boundary line of the Morton M. McCarver
19 Survey 4, Abstract 10, for a distance of approximately 7,000 feet to
20 its intersection with Ranch Road 2770;
21 THENCE, south on Ranch Road 2770 for a distance of
22 approximately 400 feet to its intersection with Farm-to-Market Road
23 171;
24 THENCE, east along Farm-to-Market Road 171 for a distance of
25 approximately 10,500 feet to its intersection with Farm-to-Market
26 Road 25;
27 THENCE, north by northeast along Farm-to-Market Road 25 for a

1 distance of approximately 3,100 feet to its intersection with
2 Farm-to-Market Road 131;

3 THENCE, east by southeast along Farm-to-Market Road 131 for a
4 distance of approximately 3,000 feet to its intersection with the
5 east line of the Thomas G. Allen Survey, Abstract 26;

6 THENCE south along the east line of said Thomas G. Allen
7 Survey to the most northerly northwest corner of the Elisha Pruett
8 Survey 23, Abstract 376;

9 THENCE southwest along a west line of said Elisha Pruett
10 Survey 23 to the west corner of said Survey;

11 THENCE southeast along the southwest line of said Survey to
12 the north corner of the John Stewart Survey, Abstract 14;

13 THENCE southwest along the northwest line of said John
14 Stewart Survey to its west corner;

15 THENCE continuing in the same line to the most northerly
16 southwest line of the John Jones Survey, Abstract 263;

17 THENCE southeast along said southwest line to an interior
18 corner of said John Jones Survey;

19 THENCE southwest along the most southerly northwest line of
20 said Survey to the southwest corner of said Survey;

21 THENCE southeast along the south line of said Survey to the
22 north corner of the James W. Williams Survey 11, Abstract 473;

23 THENCE southwest along the northwest line of said James W.
24 Williams Survey 11 to its west corner;

25 THENCE southeast along the southwest line of said Survey to
26 the north right-of-way line of the I. & G. N. RR.;

27 THENCE southwest along said right-of-way of said I. & G. N.

1 RR. to the Hays County-Comal County line;

2 THENCE south along said county line to the northwest line of
3 the R. B. Moore Survey, Abstract 412, in Hays County where it
4 crosses the Hays County-Comal County line;

5 (5) all of the territory of Hays County contained
6 within the following described area:

7 Beginning on the most southern point of Hays County at the
8 intersection of Hays, Comal, and Guadalupe Counties; then
9 continuing in a northeasterly direction along the Hays-Guadalupe
10 county line to its intersection with the Hays-Caldwell county line;
11 then continuing along the Hays-Caldwell county line to an
12 intersection with Farm-to-Market Road 150; then continuing in a
13 northwesterly direction along Farm-to-Market Road 150 to the
14 intersection with the existing southern boundary of the part of
15 Hays County described in Subdivision (4) of this section; then
16 continuing in a southwesterly direction along the existing southern
17 boundary of the part of Hays County described in Subdivision (4) of
18 this section to the intersection with the Hays-Comal county line;
19 then continuing in a southerly direction along the Hays-Comal
20 county line to the point of beginning;

21 (6) the part of Guadalupe County beginning at the
22 Guadalupe County-Caldwell County-Hays County line at the San Marcos
23 River in the northeast corner of Guadalupe County, Texas.

24 THENCE southwest along the Guadalupe County-Hays County line
25 to the intersect of the Guadalupe County-Hays County-Comal County
26 line.

27 THENCE southwest along the Guadalupe County-Comal County

1 line to the intersect of the Guadalupe County-Comal County-Bexar
2 County intersect at the Cibolo creek.

3 THENCE south along the Guadalupe County-Bexar County line
4 along the Cibolo creek to the intersect of the Guadalupe
5 County-Bexar County-Wilson County line.

6 THENCE south along the Guadalupe County-Wilson County line
7 along the Cibolo creek to the intersect and crossing of Guadalupe
8 County Road 417.

9 THENCE east along Guadalupe County Road 417 to the intersect
10 of Guadalupe County Road 417 and Guadalupe County Road 412.

11 THENCE northeast along Guadalupe County Road 412 to the
12 intersect of Guadalupe County Road 412 and Guadalupe County Road
13 411 A.

14 THENCE east along Guadalupe County Road 411 A to the
15 intersect of Guadalupe County Road 411 A and Farm-to-Market road
16 number 725.

17 THENCE north along Farm-to-Market Road 725 to the intersect
18 of Farm-to-Market Road 725 and Interstate Highway 10.

19 THENCE east along Interstate Highway 10 to the intersect of
20 Interstate Highway 10 and State Highway 90.

21 THENCE east along State Highway 90 to the Guadalupe
22 County-Caldwell County line at the San Marcos river.

23 THENCE northwest along the Guadalupe County-Caldwell County
24 line along the San Marcos river to the place of beginning; and

25 (7) the part of Atascosa County beginning on the north
26 line of the Robt. C. Rogers Survey, at the Bexar County-Atascosa
27 County line, to its northwest corner, which is the northeast corner

1 of the F. Brockinzen Survey, Abstract 86;

2 THENCE south along the east line of said Survey passing
3 through its southeast corner and continuing south along the east
4 line of the F. Brockinzen Survey, Abstract 90, to its southeast
5 corner;

6 THENCE west along the south line of said survey to its
7 southwest corner;

8 THENCE north along the west line of said F. Brockinzen Survey
9 to the southeast corner of the B. Bonngartner Survey, Abstract 87;

10 THENCE west along the south line of said B. Bonngartner
11 Survey passing through its southwest corner and continuing along
12 the south line of the J. B. Goettlemann Survey, Abstract 309, to the
13 Atascosa County-Medina County line;

14 THENCE north along the Atascosa County-Medina County line to
15 the Bexar County line;

16 THENCE east along the Atascosa County-Bexar County Line to
17 the place of beginning.

18 SECTION 5. AMENDMENT. Section 1.08(b), Chapter 626, Acts
19 of the 73rd Legislature, Regular Session, 1993, is amended to read
20 as follows:

21 (b) The authority's powers regarding underground water
22 apply only to underground water within or withdrawn from the
23 aquifer or any other underground water resource made subject to the
24 authority's jurisdiction. This subsection is not intended to allow
25 the authority to regulate surface water.

26 SECTION 6. AMENDMENT. Section 1.093(n), Chapter 626, Acts
27 of the 73rd Legislature, Regular Session, 1993, is amended to read

1 as follows:

2 (n) District 14 is composed of Kinney County and that part
3 of Uvalde County BNA 9502 included in block groups 3 and 4 and
4 blocks 102, 103, 106, 117, 140, 142, 201, 202, 203, 204, 206, 207,
5 208, 209, 210, 211, 212, 213, 214, 215, 216A, 216B, 217, 218, 219,
6 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232,
7 233, 234, 235, 236, 237, 238, 239A, 239B, 240, 241, 242, 243, 244,
8 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257,
9 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270,
10 271, 272, 273, 274, 278, 279, 280, 281, 282, 283, 284, 285, 286,
11 288, 296, 297, 299, 299R, 521, 522, 523, 524, 525, 526, 527, 528,
12 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, and 541;
13 and that part of Uvalde County BNA 9503 included in block groups 2,
14 3, 4, 5, 6, and blocks 101B, 101C, 102, 103, 104, 105, 106, 107, 108,
15 109A, 109B, 110, 111, 112, 113, 114, 115, 116A, 116B, 116C, 117A,
16 117B, 118, 119, 120, 121, 122, 123, 124, 126, 133, 134, 135, 136,
17 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149,
18 150, 151, 152, 153, 154, 155, 156, 164A, 164B, 165, 166, 167, 168,
19 169, 170, 171, 172, 173, and 174; and that part of Uvalde County BNA
20 9504 included in block group 4 and blocks 314, 316, and 319; and
21 that part of Uvalde County BNA 9505 included in block groups 2 and 3
22 and blocks 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123,
23 124, 125, 126A, 126B, 126C, 127, 128, 129, 130, 131, 132, 133, 134,
24 135, 136, 137, 138, 139A, 139B, 140, 141, 142A, 142B, 143A, 143B,
25 144, 145, 146, 147, 148, 149A, 149B, 150, 151, and 152.

26 SECTION 7. AMENDMENT. Section 1.10(a), Chapter 626, Acts
27 of the 73rd Legislature, Regular Session, 1993, is amended to read

1 as follows:

2 (a) The South Central Texas Water Advisory Committee shall
3 advise the board on downstream water rights and issues. The
4 advisory committee consists of one member appointed by the
5 governing body of each of the following counties and
6 municipalities, except that Atascosa County may not have a
7 representative on the advisory committee when the county has a
8 representative member on the board:

- 9 (1) Atascosa;
- 10 (2) Caldwell;
- 11 (3) Calhoun;
- 12 (4) Comal;
- 13 (5) DeWitt;
- 14 (6) Goliad;
- 15 (7) Gonzales;
- 16 (8) Guadalupe;
- 17 (9) Hays;
- 18 (10) Karnes;
- 19 (10-a) Kinney;
- 20 (11) Medina;
- 21 (12) Nueces;
- 22 (13) Refugio;
- 23 (14) San Patricio;
- 24 (15) Uvalde;
- 25 (16) Victoria;
- 26 (17) Wilson;
- 27 (18) the City of San Antonio;

1 (19) the City of Victoria; and

2 (20) the City of Corpus Christi.

3 SECTION 8. AMENDMENT. Section 1.34(c), Chapter 626, Acts
4 of the 73rd Legislature, Regular Session, 1993, is amended to read
5 as follows:

6 (c) A permit holder may lease permitted water rights, but a
7 holder of a permit to use water from the aquifer for irrigation use
8 may not lease more than 50 percent of the irrigation rights
9 initially permitted. The user's remaining irrigation water rights
10 must be used in accordance with the original permit and must pass
11 with transfer of the irrigated land.

12 SECTION 9. REPEALER. Chapter 1344, Acts of the 77th
13 Legislature, Regular Session, 2001, is repealed.

14 SECTION 10. TRANSITION. (a) On the effective date of this
15 Act:

16 (1) all the powers, duties, rights, assets, and
17 obligations of the Kinney County Groundwater Conservation District
18 become the powers, duties, rights, assets, and obligations of the
19 Edwards Aquifer Authority;

20 (2) all records, supplies, and other property relating
21 to the administration of the Kinney County Groundwater Conservation
22 District shall be transferred to the Edwards Aquifer Authority; and

23 (3) the Edwards Aquifer Authority shall be
24 automatically substituted for the Kinney County Groundwater
25 Conservation District in any judicial or administrative proceeding
26 to which, on the effective date of this Act, the Kinney County
27 Groundwater Conservation District is a party or is sitting or

1 serving as an administrative, regulatory, or adjudicative body.

2 (b) Not later than the 60th day after the effective date of
3 this Act and irrespective of any action by the Kinney County
4 Groundwater Conservation District before that effective date, the
5 Edwards Aquifer Authority shall grant, consistent with Section
6 1.16(g), Chapter 626, Acts of the 73rd Legislature, Regular
7 Session, 1993, all historic use and existing use permits as filed
8 with the Kinney County Groundwater Conservation District on or
9 before December 31, 2003, in accordance with the recommendations in
10 each hearing report prepared in accordance with district rules by
11 the district's private consultant, who is also an employee of the
12 authority and, in that capacity as an employee, has provided to the
13 authority the same or similar reports and services.

14 (c) On completion of the transfer under Subsection (a)(2) of
15 this section, the Kinney County Groundwater Conservation District
16 is dissolved.

17 (d) As soon as practicable after the effective date of this
18 Act, the Kinney County Commissioners Court shall appoint a member
19 of the South Central Texas Water Advisory Committee under Section
20 1.10(a), Chapter 626, Acts of the 73rd Legislature, Regular
21 Session, 1993, as amended by this Act.

22 SECTION 11. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

23 (a) The legal notice of the intention to introduce this Act,
24 setting forth the general substance of this Act, has been published
25 as provided by law, and the notice and a copy of this Act have been
26 furnished to all persons, agencies, officials, or entities to which
27 they are required to be furnished under Section 59, Article XVI,

1 Texas Constitution, and Chapter 313, Government Code.

2 (b) The governor has submitted the notice and Act to the
3 Texas Commission on Environmental Quality.

4 (c) The Texas Commission on Environmental Quality has filed
5 its recommendations relating to this Act with the governor,
6 lieutenant governor, and speaker of the house of representatives
7 within the required time.

8 (d) All requirements of the constitution and laws of this
9 state and the rules and procedures of the legislature with respect
10 to the notice, introduction, and passage of this Act are fulfilled
11 and accomplished.

12 SECTION 12. EFFECTIVE DATE. This Act takes effect
13 September 1, 2005.

BILL ANALYSIS

Senate Research Center
79R188 SGA-D

S.B. 1857
By: Madla
Natural Resources
4/22/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the Kinney County Groundwater Conservation District (district) suffers from management problems and lacks financial stability. S.B. 1857 dissolves the district and consolidates it into the Edwards Aquifer Authority (authority) by including Kinney County into its jurisdiction, and authorizes the authority to regulate both the Edwards Aquifer portion of Kinney County as well as the other underground water in Kinney County.

Kinney County, as a whole, will be represented through District 14 (western Uvalde County) on the authority board. Kinney County will be given a representative on the South Texas Water Advisory Committee. All powers, duties, rights, assets, and obligations of the district become the powers, duties, rights, assets, and obligations of the authority.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. DISSOLUTION. Dissolves the Kinney County Groundwater Conservation District, as provided by Section 10 of this Act, and provides that the underground water resources formerly subject to the district's jurisdiction are made subject to the jurisdiction of the Edwards Aquifer Authority (authority).

SECTION 2. AMENDMENT. Amends Section 1.02(a), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to include all or part of Kinney County in the authority.

SECTION 3. AMENDMENT. Amends Section 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, by amending Subdivision (1) and adding Subdivision (28) to redefine "aquifer" and define "western hydrologic division."

SECTION 4. AMENDMENT. Amends Section 1.04, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to provide that the authority includes the territory contained in all of the area of Kinney County.

SECTION 5. AMENDMENT. Amends Section 1.08(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to apply the authority's powers regarding underground water to any underground water resource made subject to the authority's jurisdiction.

SECTION 6. AMENDMENT. Amends Section 1.093(n), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to include Kinney County in District 14.

SECTION 7. AMENDMENT. Amends Section 1.10(a), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to provide that a representative of Kinney County serves on the South Central Texas Water Advisory Committee.

SECTION 8. AMENDMENT. Amends Section 1.34(c), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to prohibit a holder of a permit to use water from the aquifer for irrigation use, rather than the holder of a permit for irrigation use, from leasing more than 50 percent of the irrigation rights initially permitted.

SECTION 9. REPEALER. Repealer: Chapter 1344 (relating to the creation, administration, powers, duties, and financing of the Kinney County Groundwater Conservation District), Acts of the 77th Legislature, Regular Session, 2001.

SECTION 10. TRANSITION. (a) Transfers all the powers, duties, rights, assets, and obligations of the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority on the effective date of this Act. Transfers all records, supplies, and other property relating to the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority on the effective date of this Act. Requires the Edwards Aquifer Authority to be automatically substituted for the Kinney County Groundwater Conservation District in any judicial or administrative proceeding to which, on the effective date of this Act, the Kinney Groundwater Conservation District is a party or is sitting or serving as an administrative, regulatory, or adjudicative body.

(b) Requires the Edwards Aquifer Authority, not later than the 60th day after the effective date of this Act and irrespective of any action by the Kinney County Groundwater Conservation District before that effective date, to grant, consistent with Section 1.16(g), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, all historic use and existing use permits as filed with the Kinney County Groundwater Conservation District on or before December 31, 2003, in accordance with the recommendations in each hearing report prepared in accordance with district rules by the district's private consultant, who is also an employee of the authority and, in that capacity as an employee, has provided to the authority the same or similar reports and services.

(c) Dissolves the Kinney County Groundwater Conservation District on completion of the transfer of records, supplies, and other property to the Edwards Aquifer District.

(d) Requires the Kinney County Commissioners Court, as soon as practicable after the effective date of this Act, to appoint a member of the South Central Texas Water Advisory Committee under Section 1.10(a), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as amended by this Act.

SECTION 11. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

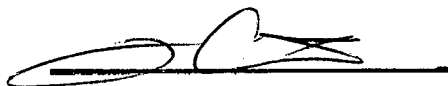
SECTION 12. EFFECTIVE DATE. Effective date: September 1, 2005.

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF Guadalupe

Before me, a Notary Public in and for Guadalupe County, Texas, this day personally appeared Tommy Crow, in his/her capacity as Publisher of the Sequin Gazette, news paper of general paid circulation in Guadalupe County(s), who, being duly sworn, states that the attached Notice of Intent to File Legislation was published in Sequin Gazette on February 24, 2005.



Tommy Crow
Affiant's Printed Name

Sworn to and subscribed before me this 24
day of February, 2005.



Margaret L. Clarkson
Notary's Printed Name

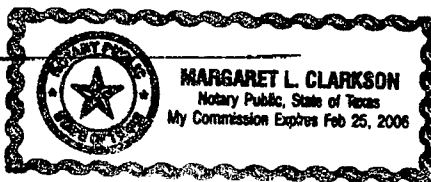
My Commission Expires: 2-25-06

110 Legal Notices

NOTICE

This is to give notice of intent to introduce in the 79th Legislature, Regular Session, a bill to be entitled "an Act relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority", which legislation includes the dissolution of Kinney County Groundwater Conservation District, and the transfer of the jurisdiction, authority, assets and liabilities of the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority.

's Seal:



March 7, 2005

BEFORE ME, the undersigned authority, personally appeared Jewel F. Robinson, publisher of The Brackett News, Inc., a newspaper published in the City of Brackettville, Texas, who, being by me, duly sworn upon oath, deposes and says: That said newspaper is of general circulation in the State of Texas County of Kinney.

Public Notice attached, was published in said newspaper, in its issue(s) of March 03, 2005 and said newspaper devotes not less than twenty-five (25%) of its total column lineage to items of general interest, is published not less frequently than once each week, entered as second-class postal matter in the city where it is published regularly and continuously for not less than (12) months prior to the date of the publication of said attachment.

Jewel F. Robinson

Jewel F. Robinson - Publisher

SUBSCRIBED BEFORE ME, this the 7th day of March, 2005.

Don E. Sandoval

Notary Public, State of Texas

Kinney County Clerk

My Commission Expires 12-31-07

PUBLIC NOTICE

THIS IS TO give notice of intent to introduce in the 79th Legislature, Regular Session, a bill to be entitled "an Act relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority", which legislation includes the dissolution of Kinney County Groundwater Conservation District and the transfer of the jurisdiction, authority, assets and liabilities of the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority.

STATE OF TEXAS)

BEXAR COUNTY)

BEFORE ME, the undersigned authority;

personally appeared

SALLY CALDWELL

to me personally known to be the

Bookkeeper

of THE HEARST CORPORATION (SAN ANTONIO EXPRESS-NEWS DIVISION), DAILY NEWSPAPERS

published in the City of San Antonio, in the county and state aforesaid, and being by me first duly sworn,

disposes and says that the advertisement of

ACCT#018563602

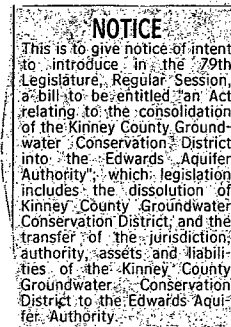
WINSTEAD

appeared in all editions of said newspaper on the following dates:

2/24/2005

AD#14965

APPS .01



Sally Caldwell
BOOKEEPER

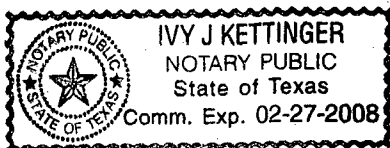
Subscribed and sworn to this

8TH

day of MARCH

2005

Ivy J. Kettinger
Notary Public, State of Texas



My commission
Expires

2/27/2008

THE NEW BRAUNFELS HERALD-ZEITUNG
NEW BRAUNFELS, TEXAS

NEW BRAUNFELS HERALD-ZEITUNG

ATTN: WENDY FOSTER
WINSTEAD SECHREST & MINI
401 CONGRESS AVE SUITE 2100
AUSTIN TX 78701

REFERENCE: 12542697
1090944 INV 5538/NOTICE

STATE OF TEXAS
COUNTY OF COMAL

Before me, the undersigned authority, on this day,
personally appeared, Vilma Z Linares, who being
duly sworn, deposes and says that she is the
Operations Director at the New Braunfels
Herald-Zeitung: that said newspapers is regularly
published in Comal County and generally circulated
in Comal, Guadalupe, Hays, and Bexar
counties, Texas: that the attached notice was
published on the following date.

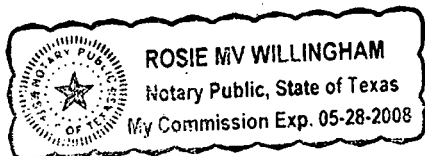
Vilma Z Linares

Vilma Z Linares--Operations Director

PUBLISHED ON: 02/24

FILED ON: 03/01/05

Subscribed and sworn before me this
2005 A.D.



Rosie MV Willingham
Notary Public

110 Legal Notices

NOTICE

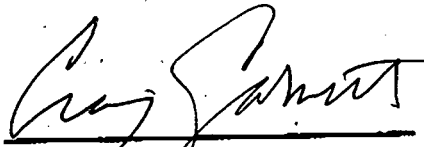
This is to give notice of
intent to introduce in
the 79th Legislature,
Regular Session, a bill
to be entitled an Act
relating to the consoli-
dation of the Kinney
County Groundwater
Conservation District
into the Edwards Aqi-
fer Authority, which
legislation includes the
dissolution of Kinney
County Groundwater
Conservation District,
and the transfer of the
jurisdiction, authority,
assets and liabilities of
the Kinney County
Groundwater Conser-
vation District to the
Edwards Aquifer
Authority.

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

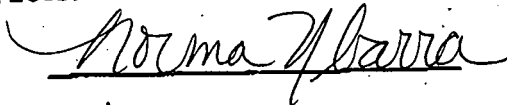
COUNTY OF UVALDE

Before me, a Notary Public in and for Uvalde County, Texas, this day personally appeared Craig Garnett, in his/her capacity as Publisher of the Uvalde Leader-News, news paper of general paid circulation in Uvalde, Real, Zavala, Kinney, Edwards County(s), who, being duly sworn, states that the attached Notice of Intent to File Legislation was published in The Uvalde Leader-News on February 24, 2005.



Craig Garnett
Affiant's Printed Name

Sworn to and subscribed before me this 28
day of February, 2005.

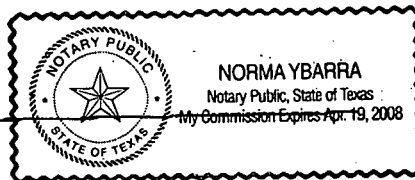


Norma Ybarra
Notary's Printed Name

My Commission Expires:

4-19-2008

Notary's Seal:



NOTICE

This is to give notice of intent to introduce in the 79th Legislature, Regular Session, a bill to be entitled "an Act relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority", which legislation includes the dissolution of Kinney County Groundwater Conservation District and the transfer of the jurisdiction, authority, assets and liabilities of the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority.

THE STATE OF TEXAS }
County of Hays: }

Before me, the undersigned, holding the office of Notary Public in and

for Hays County, Texas, personally appeared Cheryl Sosa,
who states under oath that he is the publisher of the San Marcos Daily Record, a newspaper which has been
regularly and continuously published in San Marcos, Hays County, Texas, for a period of more than one
year immediately preceding the date of publication of this notice and that the Notice by Publication hereto

attached was published in the regular edition of said newspaper for a period of _____

_____ on the following dates

February 24, 2005, _____, 20____

_____, 20____, _____, 20____

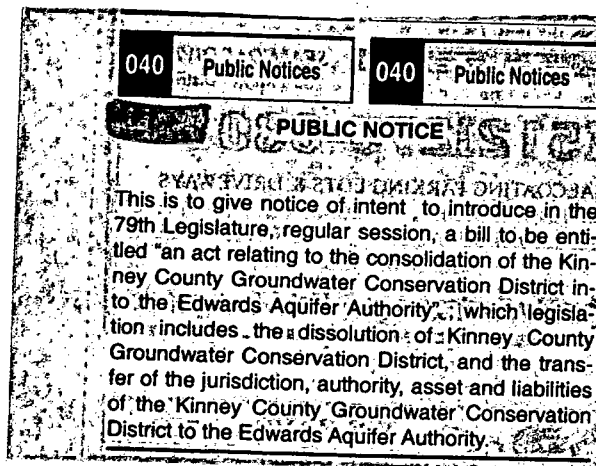
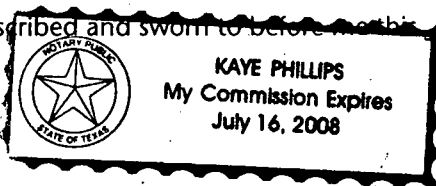
_____, 20____, _____, 20____

_____, 20____, a printed clipping of said notice being hereto attached.

The said publisher further states that the rate charged for this publication is the lowest rate charged
commercial advertisers for the same class of advertising for a like amount of space.

(Signed) Cheryl Sosa
Publisher Advertising Director

Subscribed and sworn to before me this 24 day of February, 2005
Kaye Phillips



1-1 By: Madla S.B. No. 1857
1-2 (In the Senate - Filed April 12, 2005; April 14, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 May 3, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0, 1 present not
1-6 voting; May 3, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1857 By: Madla

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the consolidation of the Kinney County Groundwater
1-11 Conservation District into the Edwards Aquifer Authority.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. DISSOLUTION. The Kinney County Groundwater
1-14 Conservation District is dissolved, and the aquifer and other
1-15 underground water in Kinney County is made subject to the
1-16 jurisdiction of the Edwards Aquifer Authority.

1-17 SECTION 2. AMENDMENT. Subsection (a), Section 1.02,
1-18 Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993,
1-19 is amended to read as follows:

1-20 (a) A conservation and reclamation district, to be known as
1-21 the Edwards Aquifer Authority, is created in all or part of
1-22 Atascosa, Bexar, Caldwell, Comal, Guadalupe, Hays, Kinney, Medina,
1-23 and Uvalde counties. A confirmation election is not necessary. The
1-24 authority is a governmental agency and a body politic and
1-25 corporate.

1-26 SECTION 3. AMENDMENT. Section 1.03, Chapter 626, Acts of
1-27 the 73rd Legislature, Regular Session, 1993, is amended by amending
1-28 Subdivision (1) and adding Subdivision (28) to read as follows:

1-29 (1) "Aquifer" means the Edwards Aquifer, which is that
1-30 portion of an arcuate belt of porous, water-bearing, predominately
1-31 carbonate rocks known as the Edwards and Associated Limestones in
1-32 the Balcones Fault Zone extending from west to east to northeast
1-33 from the western hydrologic division near Brackettville in Kinney
1-34 County that separates underground flow toward the Comal Springs and
1-35 San Marcos Springs from underground flow to the Rio Grande Basin,
1-36 through Uvalde, Medina, Atascosa, Bexar, Guadalupe, and Comal
1-37 counties, and in Hays County south of the hydrologic division near
1-38 Kyle that separates flow toward the San Marcos River from flow to
1-39 the Colorado River Basin.

1-40 (28) "Western hydrologic division" means the aquifer
1-41 boundary or groundwater divide, delineated in the Edwards
1-42 Underground Water District Report 95-01, between the Edwards
1-43 Aquifer to the east and the Edwards-Trinity (Plateau) Aquifer to
1-44 the west, which extends along a line, sometimes referred to as the
1-45 Spofford Fault, that runs from the intersection of the Kinney
1-46 County/Maverick County line and Stricklin Creek, northwesterly
1-47 along a lineament oriented approximately North 14° West along the
1-48 western side of the Anacacho Mountains, to the unnamed igneous
1-49 intrusion south of Highway 90 referenced in Report 95-01, then
1-50 westerly through Las Moras Springs to Pinto Springs, and then
1-51 northwesterly along the Spofford Fault system, along the western
1-52 side of Pinto Mountain and the topographic high in the unnamed
1-53 escarpment referenced in Report 95-01, to the intersection of Flat
1-54 Rock Creek and the Kinney County/Edwards County line. This
1-55 boundary may be described more precisely as a line connecting the
1-56 following, latitude/longitude coordinate points geospatially
1-57 referenced to the North American Datum of 1927:

1-58 Beginning at Point 1: North 29° 5.09'/West 100° 16.04';

1-59 Thence through Point 2: North 29° 16.57'/

1-60 West 100°/20.37';

1-61 Thence continuing to Point 3: North 29° 18.52'/

1-62 West 100° 25.20';

1-63 Thence continuing to Point 4: North 29° 24.45'/

West 100° 27.12'; and

Ending at Point 5: North 29° 37.40'/West 100° 33.43'. The source of water discharged from both Las Moras Springs and Pinto Springs is the Edwards Aquifer.

SECTION 4. AMENDMENT. Section 1.04, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.04. BOUNDARIES. The authority includes the territory contained within the following area:

(1) all of the areas of Bexar, Kinney, Medina, and Uvalde counties;

(2) all of the area of Comal County, except that portion of the county that lies North of the North line through the county of Subdivision No. 1 of the Underground Water Reservoir in the Edwards Limestone, Balcones escarpment area, as defined by the order of the Board of Water Engineers dated January 10, 1957;

(3) the part of Caldwell County beginning with the intersection of Hays County Road 266 and the San Marcos River;

THENCE southeast along the San Marcos River to the point of intersection of Caldwell, Guadalupe, and Gonzales counties;

THENCE southeast along the Caldwell-Gonzales County line to its intersection with U.S. Highway 183;

THENCE north along U.S. Highway 183 to its intersection with State Highway 21;

THENCE southwest along State Highway 21 to its intersection with Hays County Road 266;

THENCE southwest along Hays County Road 266 to the place of beginning;

(4) the part of Hays County beginning on the northwest line of the R. B. Moore Survey, Abstract 412, in Comal County where it crosses the Comal County-Hays County line northeast along the northwest line of said Survey to the northeast corner of said Survey in Hays County, Texas;

THENCE southeast in Hays County, Texas across the Jas. Deloach Survey, Abstract 878, to the most westerly northwest corner of the Presidio Irrigation Co. Survey, Abstract 583;

THENCE northeast along the northwest line of said Survey to its most northerly northwest corner;

THENCE continuing in the same line across the R.S. Clayton Survey 2, Block 742, to the west line of the H. & G. N. RR. Co. Survey 1, Abstract 668;

THENCE north along the west line of said Survey to its northwest corner;

THENCE east along the north line of said Survey to its northeast corner;

THENCE northeast across the David Wilson Survey 83, Abstract 476, to the southeast corner of the F. W. Robertson Survey 71, Abstract 385;

THENCE north along the east line of said Survey to the southwest corner of the Benjamin Weed Survey 72, Abstract 483;

THENCE east along the south line of said Survey to its southeast corner;

THENCE northeast across the William Gray Survey 73, Abstract 92, and the Murray Bailey Survey 75, Abstract 42, to the southwest corner of the D. Holderman Survey 33, Abstract 225;

THENCE north along the west line of said Survey to its northwest corner;

THENCE continuing in the same line to the north line of the Day Land & Cattle Co. Survey 672;

THENCE west along said north line of said Survey to its northwest corner, which is in the east line of the Jesse Williams Survey 4 to the northeast corner of said Survey;

THENCE west along the north line of said Survey to the Southwest corner of the Amos Singleton Survey 106, Abstract 410;

THENCE north along the west lines of said Amos Singleton Survey 106 and the Watkins Nobles Survey 107, Abstract 346, to the northwest corner of said Watkins Nobles Survey 107;

THENCE east along the north line of said Survey to the southwest corner of the Jesusa Perez Survey 14, Abstract 363;

3-1 THENCE north along the west line of said Jesusa Perez Survey
3-2 14 to its northwest corner;

3-3 THENCE east along the north line of said Survey to its
3-4 northeast corner;

3-5 THENCE, south along the east line of said Survey for a
3-6 distance of approximately 10,000 feet to its intersection with
3-7 Ranch Road 150;

3-8 THENCE, east by southeast along Ranch Road 150 approximately
3-9 24,500 feet to its intersection with the southern boundary line of
3-10 the Andrew Dunn Survey 9, Abstract 4;

3-11 THENCE, east along the south line of said survey as it extends
3-12 and becomes the southern boundary line of the Morton M. McCarver
3-13 Survey 4, Abstract 10, for a distance of approximately 7,000 feet to
3-14 its intersection with Ranch Road 2770;

3-15 THENCE, south on Ranch Road 2770 for a distance of
3-16 approximately 400 feet to its intersection with Farm-to-Market Road
3-17 171;

3-18 THENCE, east along Farm-to-Market Road 171 for a distance of
3-19 approximately 10,500 feet to its intersection with Farm-to-Market
3-20 Road 25;

3-21 THENCE, north by northeast along Farm-to-Market Road 25 for a
3-22 distance of approximately 3,100 feet to its intersection with
3-23 Farm-to-Market Road 131;

3-24 THENCE, east by southeast along Farm-to-Market Road 131 for a
3-25 distance of approximately 3,000 feet to its intersection with the
3-26 east line of the Thomas G. Allen Survey, Abstract 26;

3-27 THENCE south along the east line of said Thomas G. Allen
3-28 Survey to the most northerly northwest corner of the Elisha Pruett
3-29 Survey 23, Abstract 376;

3-30 THENCE southwest along a west line of said Elisha Pruett
3-31 Survey 23 to the west corner of said Survey;

3-32 THENCE southeast along the southwest line of said Survey to
3-33 the north corner of the John Stewart Survey, Abstract 14;

3-34 THENCE southwest along the northwest line of said John
3-35 Stewart Survey to its west corner;

3-36 THENCE continuing in the same line to the most northerly
3-37 southwest line of the John Jones Survey, Abstract 263;

3-38 THENCE southeast along said southwest line to an interior
3-39 corner of said John Jones Survey;

3-40 THENCE southwest along the most southerly northwest line of
3-41 said Survey to the southwest corner of said Survey;

3-42 THENCE southeast along the south line of said Survey to the
3-43 north corner of the James W. Williams Survey 11, Abstract 473;

3-44 THENCE southwest along the northwest line of said James W.
3-45 Williams Survey 11 to its west corner;

3-46 THENCE southeast along the southwest line of said Survey to
3-47 the north right-of-way line of the I. & G. N. RR.;

3-48 THENCE southwest along said right-of-way of said I. & G. N.
3-49 RR. to the Hays County-Comal County line;

3-50 THENCE south along said county line to the northwest line of
3-51 the R. B. Moore Survey, Abstract 412, in Hays County where it
3-52 crosses the Hays County-Comal County line;

3-53 (5) all of the territory of Hays County contained
3-54 within the following described area:

3-55 Beginning on the most southern point of Hays County at the
3-56 intersection of Hays, Comal, and Guadalupe Counties; then
3-57 continuing in a northeasterly direction along the Hays-Guadalupe
3-58 county line to its intersection with the Hays-Caldwell county line;
3-59 then continuing along the Hays-Caldwell county line to an
3-60 intersection with Farm-to-Market Road 150; then continuing in a
3-61 northwesterly direction along Farm-to-Market Road 150 to the
3-62 intersection with the existing southern boundary of the part of
3-63 Hays County described in Subdivision (4) of this section; then
3-64 continuing in a southwesterly direction along the existing southern
3-65 boundary of the part of Hays County described in Subdivision (4) of
3-66 this section to the intersection with the Hays-Comal county line;
3-67 then continuing in a southerly direction along the Hays-Comal
3-68 county line to the point of beginning;

3-69 (6) the part of Guadalupe County beginning at the

Guadalupe County-Caldwell County-Hays County line at the San Marcos River in the northeast corner of Guadalupe County, Texas.

THENCE southwest along the Guadalupe County-Hays County line to the intersect of the Guadalupe County-Hays County-Comal County line.

THENCE southwest along the Guadalupe County-Comal County line to the intersect of the Guadalupe County-Comal County-Bexar County intersect at the Cibolo creek.

THENCE south along the Guadalupe County-Bexar County line along the Cibolo creek to the intersect of the Guadalupe County-Bexar County-Wilson County line.

THENCE south along the Guadalupe County-Wilson County line along the Cibolo creek to the intersect and crossing of Guadalupe County Road 417.

THENCE east along Guadalupe County Road 417 to the intersect of Guadalupe County Road 417 and Guadalupe County Road 412.

THENCE northeast along Guadalupe County Road 412 to the intersect of Guadalupe County Road 412 and Guadalupe County Road 411 A.

THENCE east along Guadalupe County Road 411 A to the intersect of Guadalupe County Road 411 A and Farm-to-Market road number 725.

THENCE north along Farm-to-Market Road 725 to the intersect of Farm-to-Market Road 725 and Interstate Highway 10.

THENCE east along Interstate Highway 10 to the intersect of Interstate Highway 10 and State Highway 90.

THENCE east along State Highway 90 to the Guadalupe County-Caldwell County line at the San Marcos river.

THENCE northwest along the Guadalupe County-Caldwell County line along the San Marcos river to the place of beginning; and

(7) the part of Atascosa County beginning on the north line of the Robt. C. Rogers Survey, at the Bexar County-Atascosa County line, to its northwest corner, which is the northeast corner of the F. Brockinzen Survey, Abstract 86;

THENCE south along the east line of said Survey passing through its southeast corner and continuing south along the east line of the F. Brockinzen Survey, Abstract 90, to its southeast corner;

THENCE west along the south line of said survey to its southwest corner;

THENCE north along the west line of said F. Brockinzen Survey to the southeast corner of the B. Bonngartner Survey, Abstract 87;

THENCE west along the south line of said B. Bonngartner Survey passing through its southwest corner and continuing along the south line of the J. B. Goettlemann Survey, Abstract 309, to the Atascosa County-Medina County line;

THENCE north along the Atascosa County-Medina County line to the Bexar County line;

THENCE east along the Atascosa County-Bexar County Line to the place of beginning.

SECTION 5. AMENDMENT. Section 1.08, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b) The authority's powers regarding underground water apply only to underground water within or withdrawn from:

(1) the aquifer; or
(2) any other underground water resource in Kinney County.

(b-1) With respect to underground water in Kinney County that is not water of the aquifer:

(1) Sections 1.01, 1.13 through 1.21, 1.23, 1.25, 1.26, 1.28(a) and (b), 1.29 through 1.34, and 1.41 through 1.45 of this article do not apply;

(2) Section 36.205(e)(1), Water Code, does not apply;
and

(3) the authority has all the rights, powers, privileges, authority, functions, and duties provided by:

(A) the applicable provisions of this article;

(B) the general law of this state applicable to a groundwater conservation district created under Section 59, Article XVI, Texas Constitution, including Chapter 36, Water Code; and

(C) Chapter 49, Water Code, as that chapter applies to an authority created under Section 59, Article XVI, Texas Constitution.

(b-2) With respect to that part of Kinney County west of the western hydrologic division, Section 36.201(c), Water Code, does not apply to or restrict the authority's continuing imposition of an ad valorem tax not to exceed 10 cents on each \$100 of assessed valuation.

(b-3) This section [~~subsection~~] is not intended to allow the authority to regulate surface water.

SECTION 6. AMENDMENT. Subsection (n), Section 1.093, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(n) District 14 is composed of Kinney County and that part of Uvalde County BNA 9502 included in block groups 3 and 4 and blocks 102, 103, 106, 117, 140, 142, 201, 202, 203, 204, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216A, 216B, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239A, 239B, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 278, 279, 280, 281, 282, 283, 284, 285, 286, 288, 296, 297, 299, 299R, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, and 541; and that part of Uvalde County BNA 9503 included in block groups 2, 3, 4, 5, 6, and blocks 101B, 101C, 102, 103, 104, 105, 106, 107, 108, 109A, 109B, 110, 111, 112, 113, 114, 115, 116A, 116B, 116C, 117A, 117B, 118, 119, 120, 121, 122, 123, 124, 126, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 164A, 164B, 165, 166, 167, 168, 169, 170, 171, 172, 173, and 174; and that part of Uvalde County BNA 9504 included in block group 4 and blocks 314, 316, and 319; and that part of Uvalde County BNA 9505 included in block groups 2 and 3 and blocks 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126A, 126B, 126C, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139A, 139B, 140, 141, 142A, 142B, 143A, 143B, 144, 145, 146, 147, 148, 149A, 149B, 150, 151, and 152.

SECTION 7. AMENDMENT. Subsection (a), Section 1.10, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(a) The South Central Texas Water Advisory Committee shall advise the board on downstream water rights and issues. The advisory committee consists of one member appointed by the governing body of each of the following counties and municipalities, except that Atascosa County may not have a representative on the advisory committee when the county has a representative member on the board:

- (1) Atascosa;
- (2) Caldwell;
- (3) Calhoun;
- (4) Comal;
- (5) DeWitt;
- (6) Goliad;
- (7) Gonzales;
- (8) Guadalupe;
- (9) Hays;
- (10) Karnes;
- (10-a) Kinney;
- (11) Medina;
- (12) Nueces;
- (13) Refugio;
- (14) San Patricio;
- (15) Uvalde;
- (16) Victoria;
- (17) Wilson;

- (18) the City of San Antonio;
- (19) the City of Victoria; and
- (20) the City of Corpus Christi.

SECTION 8. AMENDMENT. Subsection (g), Section 1.14, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(g) The authority by rule may, in accordance with hydrogeologic research:

- (1) define other pools within the aquifer;
- (2) [, in accordance with hydrogeologic research, and may] establish index wells for any pool to monitor the level of the aquifer to aid the regulation of withdrawals from the pools; or
- (3) more accurately define and locate the western hydrologic division in Kinney County.

SECTION 9. AMENDMENT. Section 1.16, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Subsection (b-1) to read as follows:

(b-1) An existing user withdrawing underground water from the portion of the aquifer in Kinney County must file a declaration of historical use on or before March 1, 2006, on a form prescribed by the board. An applicant for a permit must timely pay all application fees required by the board.

SECTION 10. AMENDMENT. Section 1.17, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Subsections (a-1) and (e) to read as follows:

(a-1) Subsection (a) of this section does not apply to a person who, on September 1, 2005, owns a producing well located in Kinney County and uses the well to withdraw water from the aquifer. A person who, on September 1, 2005, owns a producing well in Kinney County that withdraws water from the aquifer may continue to withdraw and beneficially use water without waste until final action on permits by the authority if:

(1) the well is in compliance with all statutes and rules relating to well construction, approval, location, spacing, and operation; and

(2) the person files a declaration of historical use as prescribed by Section 1.16(b-1) of this article.

(e) Subsection (d) of this section does not apply to a well described by Subsection (a-1) of this section. Interim authorization for a well described by Subsection (a-1) of this section ends on:

(1) entry of a final and appealable order by the authority acting on the application for the well; or

(2) March 1, 2006, if the well owner has not filed a declaration of historical use.

SECTION 11. AMENDMENT. Subsection (b), Section 1.18, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(b) The authority may not consider or take action on an application relating to a proposed or existing well of which there is no evidence of actual beneficial use before June 1, 1993, until a final determination has been made:

(1) on all initial regular permit applications submitted on or before the initial application date of March 1, 1994; or

(2) on all initial regular permit applications submitted for aquifer use in Kinney County on or before the initial application date of March 1, 2006.

SECTION 12. AMENDMENT. Subsection (c), Section 1.34, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(c) A permit holder may lease permitted water rights, but a holder of a permit to use water from the aquifer for irrigation use may not lease more than 50 percent of the irrigation rights initially permitted. The user's remaining irrigation water rights must be used in accordance with the original permit and must pass with transfer of the irrigated land.

SECTION 13. REPEALER. Chapter 1344, Acts of the 77th Legislature, Regular Session, 2001, is repealed.

SECTION 14. TRANSITION: DISSOLUTION AND RULES. (a) On the effective date of this Act:

(1) all the powers, duties, rights, assets, and obligations of the Kinney County Groundwater Conservation District become the powers, duties, rights, assets, and obligations of the Edwards Aquifer Authority;

(2) all records, supplies, and other property relating to the administration of the Kinney County Groundwater Conservation District shall be transferred to the Edwards Aquifer Authority; and

(3) the Edwards Aquifer Authority shall be automatically substituted for the Kinney County Groundwater Conservation District in any judicial or administrative proceeding to which, on the effective date of this Act, the Kinney County Groundwater Conservation District is a party or is sitting or serving as an administrative, regulatory, or adjudicative body.

(b) On completion of the transfer under Subdivision (2), Subsection (a) of this section, the Kinney County Groundwater Conservation District is dissolved.

(c) Any rule adopted by the Kinney County Groundwater Conservation District before the effective date of this Act that relates to the management or control of the Edwards Aquifer is void. Any rule adopted by the Kinney County Groundwater Conservation District before January 1, 2005, that relates to the management or control of underground water other than water of the Edwards Aquifer is, on the effective date of this Act, a rule of the Edwards Aquifer Authority and remains in effect until amended or repealed by the authority.

SECTION 15. TRANSITION: PERMITS AND HEARINGS. (a) In this section:

(1) "Authority" means the Edwards Aquifer Authority.

(2) "District" means the Kinney County Groundwater Conservation District.

(b) Not later than the 90th day after the effective date of this Act and in accordance with this section, the authority shall review and act on each application for a historic or existing use permit for underground water other than water of the Edwards Aquifer that was filed with the district on or before December 31, 2003, in accordance with the district's rules then in effect.

(c) If the district reviewed an application for and granted a permit before the effective date of this Act and the applicant did not timely file a motion for rehearing on the application, the applicant shall, on or before December 31, 2005:

(1) notify the authority in writing that the applicant accepts the permit granted by the district; or

(2) file with the authority a motion to reconsider the application and review the district record of the application.

(d) If an applicant accepts the district permit under Subsection (c) of this section, not later than the 45th day after the date on which the authority receives the applicant's acceptance, the authority shall issue to the applicant a permit that has terms and conditions consistent with the terms and conditions of the district permit and authorizes production amounts equal to the amounts authorized by the district permit.

(e) If an applicant does not timely file an acceptance or a motion for reconsideration under Subsection (c) of this section, not later than February 14, 2006, the authority shall issue to the applicant a permit that has terms and conditions consistent with the terms and conditions of the district permit and authorizes production amounts equal to the amounts authorized by the district permit.

(f) If an applicant timely files a motion for reconsideration under Subsection (c) of this section, not later than the 90th day after the date on which the authority receives the motion, the authority shall review the district record of the application and, after notice to the applicant and an opportunity for a hearing, make an independent recommendation on the issuance of a permit based on the district's rules in effect on January 1, 2004, regarding the issuance of historic or existing use permits and evidence in the record, including any additional information

presented by the applicant during a hearing conducted by the authority.

(g) If an applicant received a permit from the district and timely filed a motion for rehearing with the district, the authority shall review the permit issued by the district and the hearing report prepared by the district's presiding officer, as that hearing report may have been amended on the record during the district's public hearing on the application, and:

(1) issue to the applicant a permit that has terms and conditions consistent with the hearing report as it may have been amended during the district's hearings on the permit and authorizes production amounts equal to the amounts recommended by the report; or

(2) if the authority finds, after notice to the applicant and an opportunity for a hearing, that the recommendations in the hearing report are not supported by any evidence on the record, issue to the applicant a permit with terms, conditions, and production amounts the authority determines are supported by evidence on the record.

(h) If the district has not granted a permit to an applicant who submitted an application before the effective date of this Act, but the presiding officer of the district has prepared a hearing report on the application and the district has held a public hearing on the application, the authority shall review the hearing report and any amendment to the report that may have been made on the record during the hearing and:

(1) issue to the applicant a permit that has terms and conditions consistent with the hearing report as it may have been amended during the hearing and authorizes production amounts equal to the amounts recommended by the report; or

(2) if the authority finds, after notice to the applicant and an opportunity for a hearing, that the recommendations in the hearing report are not supported by any evidence on the record, issue to the applicant a permit with terms, conditions, and production amounts the authority determines are supported by evidence on the record.

(i) An applicant aggrieved by the authority's decision on a permit issued by the authority under this section may file a motion for rehearing with the authority not later than the 20th day after the date on which the authority issues the permit to the applicant in writing. Not later than the 45th day after the date on which the authority receives the motion, the authority shall act on the motion. If the authority does not act on the motion in the time allowed, the motion for rehearing is overruled by operation of law. The authority's decision on a permit is final and appealable when the motion for rehearing is overruled, in whole or in part, by the authority in writing or by operation of law. The timely filing of a motion for rehearing is a prerequisite to an appeal of the authority's decision on a permit issued under this section. An applicant aggrieved by the authority's decision on the motion for rehearing may appeal the authority's decision by filing suit in district court under Subchapter H, Chapter 36, Water Code. On appeal, the district court shall conduct a trial de novo on the application.

SECTION 16. TRANSITION: APPOINTMENT TO SOUTH CENTRAL TEXAS WATER ADVISORY COMMITTEE. As soon as practicable after the effective date of this Act, the Kinney County Commissioners Court shall appoint a member of the South Central Texas Water Advisory Committee under Subsection (a), Section 1.10, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as amended by this Act.

SECTION 17. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor has submitted the notice and Act to the

9-1 Texas Commission on Environmental Quality.
9-2 (c) The Texas Commission on Environmental Quality has filed
9-3 its recommendations relating to this Act with the governor,
9-4 lieutenant governor, and speaker of the house of representatives
9-5 within the required time.
9-6 (d) All requirements of the constitution and laws of this
9-7 state and the rules and procedures of the legislature with respect
9-8 to the notice, introduction, and passage of this Act are fulfilled
9-9 and accomplished.
9-10 SECTION 18. EFFECTIVE DATE. This Act takes effect
9-11 September 1, 2005.

9-12 * * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 1857
By Madla
(Author/Senate Sponsor)
May 3, 2005
(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure,
have on 4/28/05, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☒ the caption remained the same as original measure
☐ the caption changed with adoption of the substitute
☐ do pass as substituted, and be ordered not printed
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Armbrister, Chair	<input checked="" type="checkbox"/>			
Senator Jackson, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Barrientos				<input checked="" type="checkbox"/>
Senator Duncan			<input checked="" type="checkbox"/>	
Senator Estes	<input checked="" type="checkbox"/>			
Senator Fraser	<input checked="" type="checkbox"/>			
Senator Hinojosa	<input checked="" type="checkbox"/>			
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Madla	<input checked="" type="checkbox"/>			
Senator Seliger	<input checked="" type="checkbox"/>			
Senator Staples			<input checked="" type="checkbox"/>	
TOTAL VOTES	8	0	2	1

COMMITTEE ACTION

8260 Considered in public hearing
8270 Testimony taken

Kelly C. Helbert
COMMITTEE CLERK

Ken Schubert
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

WITNESS LIST

SB 1857

SENATE COMMITTEE REPORT

Natural Resources

April 28, 2005 - 1:30PM

FOR: Armour, Lawrance (Self), Pierce, TX
 Davis, Zack (Self), Brackettville, TX
 Flume, Michael (El Corazon Ranch Partnership), San Antonio, TX
 Langham, Annalee (Self), Austin, TX
 McCarthy, Ed (Zach and Kayla Davis, mcDEaniel Farms, Inc.), Austin, TX
 Pedersen, Craig (Native Valley Alliance), Austin, TX
 Terrill, Paul (Cecil Bouleware), Austin, TX

AGAINST: Boone, Sarah (Self), Del Rio, TX
 Garza Jr., Joe (City of Brackettville), Brackettville, TX
 Hale, Chris (Self), Austin, TX
 Hicks, Renea (Prototype Co. / The Randolph Co.), Austin, TX
 Johnson, Jay J. (West Texas Springs Alliance), Del Rio, TX
 Rockwell, Brad (Greater Edwards Aquifer Alliance), Austin, TX
 Senne, Herb Judge (Kinney Co. Commissioners Court and himself), Brackettville, TX
 Sorola, David (City of Del Rio), Del Rio, TX
 Turner, Bob (Kinney County Farmers and Ranchers Coalition), Austin, TX

ON: William, CE (Panhandle Groundwater District), White Deer, TX

Registering, but not testifying:

For: Baumann, Nicole (OMC Partners, Ltd.), Sonora, TX
 Coates, Dennette (Self), Brackettville, TX
 Coates, Hugh (Self), Brackettville, TX
 Foster, Hunt (Self), Austin, TX
 Haby, Doris (Self), Brackettville, TX
 Haby, Hayden (Self), Brackettville, TX
 Howe, Billy (Tx Farm Bureau), Austin, TX
 Jones, John (Self), Brackettville, TX
 Jones, Melanie (Self), Brackettville, TX
 McDaniel, Jennifer (Self), Brackettville, TX
 McDaniel, Jim (McDaniel Farms Inc.), Brackettville, TX
 Robinson, Eric Wesley (Pinto Farm), Brackettville, TX
 Smith, Beth Ann (Self), Brackettville, TX
 Smith, Brent (Self), Brackettville, TX
 Smith, Richard (Self), Brackettville, TX
 Vaughan, Ed (Self), Boerne, TX

Against: Allday, Martin L (L.R. French, Jr.), Austin, TX
Brown, Tim (Randolph Co / Prototype Machine), Austin, TX
Garza, Rosa Maria (Self), Brackettville, TX
Goodson, David (Self), Del Rio, TX
Hess, Myron (National Wildlife Association), Austin, TX
Hood, Don A. (Kinney County Groundwater Conserv. District President), Brackettville, TX
Isaacs, Debbie (Self), Brackettville, TX
Isaacs, Victoria (Member of Ft. Clark Springs Representative - Community Council), Brackettville, TX
Kramer, Ken (Lone Star Chapter, Sierra Club), Austin, TX
Meer, Duke (Kinney County Groundwater Dist.), Brackettville, TX
Molina, Edna (West Tx Spring Alliance, The Border Organization), Del Rio, TX
Morain, Gene (West Tx. Springs Alliance), Del Rio, TX
Morain, Jane (The Border Or., and West Tx Spring Alliance), Del Rio, TX
Nerbez, Erin (Aquifer Guardians in Urban Areas), San Antonio, TX
Rice, George (Self), San Antonio, TX
Ring, Christopher (Self), Brackettville, TX
Runge, Caroline (Menard County Underground Water District), Menard, TX
Shahan, Tully (Alamo Village, Shahan Ranch, Member, Ft. Clark Springs and self), Brackettville, TX
Smith, Cecil Y. (Kinney County Groundwater Conservation District), Brackettville, TX
Sorola, Paulina Lucero (Self), Del Rio, TX
Welch, Bea (Self), Brackettville, TX

On: Lowerre, Richard (Kinney County Groundwater Conservation District), Austin, TX

Providing written testimony:

Against: Edwards, Paul (Kinney County Farmers and Ranchers Coalition), Uvalde, TX
Sorola, David V. (City of Del Rio Tx), Del Rio, TX

BILL ANALYSIS

Senate Research Center
79R13670 SGA-F

C.S.S.B. 1857
By: Madla
Natural Resources
5/2/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Edwards County Aquifer Authority (authority) was created in 1993 in order to develop and implement programs for the comprehensive management of the Edwards Aquifer (aquifer) and allow the state to better regulate its natural resources and to avoid federal control of the aquifer. Federal courts and agencies posed legal challenges to the authority as it was originally created, and, as a result, its organizational and managerial structure was changed in 1995 to better conform to federal rulings and law. The constitutionality of the Act which created the authority has since been challenged, but ultimately the courts decided in favor of the Act. The plan put into action by the Act would reduce pumping from the aquifer during critical periods.

The Kinney County Groundwater Conservation District (district) was created in 2001, and since its creation, has suffered from management problems and currently lacks financial stability.

C.S.S.B. 1857 dissolves the district and consolidates it into the authority by including Kinney County into its jurisdiction, and authorizes the authority to regulate both the Edwards Aquifer portion of Kinney County as well as the other underground water in Kinney County.

Kinney County, as a whole, will be represented through District 14 (western Uvalde County) on the authority board. Kinney County will be given a representative on the South Texas Water Advisory Committee. All powers, duties, rights, assets, and obligations of the district become the powers, duties, rights, assets, and obligations of the authority.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Edwards Aquifer Authority is modified in SECTION 8 (Section 1.14, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. DISSOLUTION. Dissolves the Kinney County Groundwater Conservation District (district). Provides that the Edwards Aquifer (aquifer) and other underground water in Kinney County is made subject to the jurisdiction of the Edwards Aquifer Authority (authority).

SECTION 2. AMENDMENT. Amends Section 1.02(a), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to include all or part of Kinney County in the authority.

SECTION 3. AMENDMENT. Amends Section 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, by amending Subdivision (1) and adding Subdivision (28) to redefine "aquifer" and define "western hydrologic division."

SECTION 4. AMENDMENT. Amends Section 1.04, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to provide that the authority includes the territory contained in all of the area of Kinney County.

SECTION 5. AMENDMENT. Amends Section 1.08, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, by amending Subsection (b) and adding Subsections (b-1), (b-2) and (b-3), as follows:

(b) Applies the authority's powers regarding underground water to any other underground water resource in Kinney County. Makes nonsubstantive changes.

(b-1) Sets forth which sections of this article and of the Water Code do not apply to the underground water in Kinney County. Sets forth the rights, powers, privileges, authority, functions, and duties of the authority.

(b-2) Provides that with respect to a certain part of Kinney County, Section 36.201(c) (restricting the authority of a board of directors of a water conservation district in levying a tax to pay maintenance and operating expenses of the district), Water Code, does not apply to or restrict the authority's continuing imposition of an ad valorem tax not to exceed 10 cents on each \$100 of assessed valuation.

(b-3) Creates this subsection from existing text and makes a conforming change.

SECTION 6. AMENDMENT. Amends Section 1.093(n), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to include Kinney County in District 14.

SECTION 7. AMENDMENT. Amends Section 1.10(a), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to provide that a representative of Kinney County serves on the South Central Texas Water Advisory Committee.

SECTION 8. AMENDMENT. Amends Section 1.14(g), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to authorize the authority by rule to more accurately define and locate the western hydrologic division in Kinney County. Makes nonsubstantive changes.

SECTION 9. AMENDMENT. Amends Section 1.16, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, by adding Subsection (b-1) to require an existing user withdrawing underground water from the portion of the aquifer in Kinney County to file a declaration of historical use on or before March 1, 2006, on a form prescribed by the board of directors of the authority (board). Requires an applicant for a permit to timely pay all application fees required by the board.

SECTION 10. AMENDMENT. Amends Section 1.17, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, by adding Subsections (a-1) and (e), as follows:

(a-1) Provides that Subsection (a) (authorizing a person to continue to draw water from an existing well that withdraws water from the aquifer until final action on permits by the authority) does not apply to a person who, on September 1, 2005, owns a producing well in Kinney County that withdraws water from the aquifer. Authorizes such a person to continue to withdraw and beneficially use water without waste until final action on the permits by the authority under certain conditions.

(e) Provides that Subsection (d) (setting an ending date for interim authorization) does not apply to a well described by Subsection (a-1) of this section. Sets forth the date upon which interim authorization for a well described by Subsection (a-1) ends.

SECTION 11. AMENDMENT. Amends Section 1.18(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to prohibit the authority from considering or taking action on an application relating to a proposed or existing well of which there is no evidence of actual beneficial use before June 1, 1993, until a final determination has been made on all initial regular permit applications submitted for aquifer use in Kinney County on or before the initial application date of March 1, 2006. Makes nonsubstantive changes.

SECTION 12. AMENDMENT. Amends Section 1.34(c), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to prohibit a holder of a permit to use water from the aquifer for irrigation use, rather than the holder of a permit for irrigation use, from leasing more than 50 percent of the irrigation rights initially permitted.

SECTION 13. REPEALER. Repealer: Chapter 1344 (relating to the creation, administration, powers, duties, and financing of the district), Acts of the 77th Legislature, Regular Session, 2001.

SECTION 14. TRANSITION: DISSOLUTION AND RULES. (a) Transfers all the powers, duties, rights, assets, and obligations of the district to the authority on the effective date of this Act. Transfers all records, supplies, and other property relating to the district to the authority on the effective date of this Act. Requires the authority to be automatically substituted for the district in any judicial or administrative proceeding to which, on the effective date of this Act, the district is a party or is sitting or serving as an administrative, regulatory, or adjudicative body.

(b) Dissolves the district on completion of the transfer of records, supplies, and other property to the authority.

(c) Provides that any rule adopted by the district before the effective date of this Act that relates to the management or control of the Edwards Aquifer is void. Provides that any rule adopted by the district before January 1, 2005, that relates to the management or control of underground water other than water of the Edwards Aquifer is, on the effective date of this Act, a rule of the authority and remains in effect until amended or repealed by the authority.

SECTION 15. TRANSITION: PERMITS AND HEARINGS. (a) Defines "authority" and "district."

(b) Requires the authority, not later than the 90th day after the effective date of this Act and in accordance with this section, to review and act on each application for a historic or existing use permit for underground water other than water of the Edwards Aquifer that was filed with the district on or before December 31, 2003, in accordance with the district's rules then in effect.

(c) Requires an applicant who did not file a timely motion for rehearing on an application that before the effective date of this Act the district reviewed and granted a permit to notify the authority in writing that the applicant accepts the permit granted by the district or file with the authority a motion to reconsider the application and review the district record of the application on or before December 31, 2005.

(d) Requires the authority, if the applicant accepts the district permit, not later than the 45th day after the date on which the authority receives the applicant's acceptance, to issue to the applicant a permit that has terms and conditions consistent with the terms and conditions of the district permit and authorizes production amounts equal to the amounts authorized by the district permit.

(e) Requires the authority, if an applicant does not timely file an acceptance or a motion for reconsideration, not later than February 14, 2006, to issue to the applicant a permit that has terms and conditions consistent with the terms and conditions of the district permit and authorized production amounts equal to the amounts authorized by the district permit.

(f) Requires the authority, if an applicant timely files a motion for reconsideration, not later than the 90th day after the date on which the authority receives the motion, to review the district record of the application and, after notice to the applicant and an opportunity for a hearing, to make an independent recommendation on the issuance of a permit based on the district's rules in effect on January 1, 2004, regarding the issuance of historic or existing use permits and evidence in the record, including any additional information presented by the applicant during a hearing conducted by the authority.

(g) Requires the authority, if an applicant received a permit from the district and timely filed a motion for rehearing with the district, to review the permit issued by the district and the hearing report prepared by the district's presiding officer, as that hearing report may have been amended on the record during the district's public hearing on the

application. Requires the authority to issue the applicant a permit that has terms and conditions consistent with the hearing report as it may have been amended during the district's hearings on the permit and authorizes production amounts equal to the amounts recommended by the report, or, if the authority finds, after notice to an applicant and an opportunity for a hearing, that the recommendations in the hearing report are not supported by any evidence on the record, to issue the applicant a permit with terms, conditions, and production amounts the authority determines are supported by evidence on the record.

(h) Requires the authority, if the district has not granted a permit to an applicant who submitted an application before the effective date of this Act, but the presiding officer of the district has prepared a hearing report on the application and the district has held a public hearing on the application, to review the hearing report and any amendment to the report that may have been made during the hearing. Requires the authority to issue the applicant a permit that has terms and conditions consistent with the hearing report as it may have been amended during the hearing and authorizes production amounts equal to the amounts recommended by the report or, if the authority finds, after notice to the applicant and an opportunity for a hearing, that the recommendations in the hearing report are not supported by any evidence on the record, to issue the applicant a permit with terms, conditions, and production amounts the authority determines are supported by evidence on the record.

(i) Authorizes an applicant aggrieved by the authority's decision on a permit issued by the authority under this section to file a motion for rehearing with the authority not later than the 20th day after the date on which the authority issues the permit to the applicant in writing. Requires the authority, not later than the 45th day after the authority receives the motion, to act on the motion. Provides that if the authority does not act on the motion in the time allowed, the motion for rehearing is overruled by operation of law. Provides that the authority's decision on a permit is final and appealable when the motion for rehearing is overruled, in whole or in part, by the authority in writing or by operation of law. Provides that the timely filing of a motion for rehearing is a prerequisite to an appeal of the authority's decision on a permit issued under this section. Authorizes an applicant aggrieved by the authority's decision on the motion for rehearing to appeal the authority's decision on the motion for rehearing to appeal the authority's decision by filing suit in district court under Subchapter H (Judicial Review), Chapter 36, Water Code. Requires the district court, on appeal, to conduct a trial de novo on the application.

SECTION 16. TRANSITION: APPOINTMENT TO SOUTH CENTRAL TEXAS WATER ADVISORY COMMITTEE. Requires the Kinney County Commissioners Court, as soon as practicable after the effective date of this Act, to appoint a member of the South Central Texas Water Advisory Committee under Section 1.10(a), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as amended by this Act.

SECTION 17. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 18. EFFECTIVE DATE. Effective date: September 1, 2005.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 29, 2005

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1857 by Madla (Relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DLBa

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 27, 2005

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1857 by Madla (Relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:


LBB Staff: JOB, WK, DLBa

PUBLISHER'S AFFIDAVIT


STATE OF TEXAS

COUNTY OF Guadalupe

Before me, a Notary Public in and for Guadalupe County, Texas, this day personally appeared Tommy Crow, in his/her capacity as Publisher of the Sequin Gazette, news paper of general paid circulation in Guadalupe County(s), who, being duly sworn, states that the attached Notice of Intent to File Legislation was published in Sequin Gazette on February 24, 2005.


Tommy Crow
 Affiant's Printed Name

Sworn to and subscribed before me this 24
 day of February, 2005.


Margaret L. Clarkson
 Notary's Printed Name

My Commission Expires: 2-25-06

110 Legal Notices

NOTICE

This is to give notice of intent to introduce in the 79th Legislature, Regular Session, a bill to be entitled "an Act relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority", which legislation includes the dissolution of Kinney County Groundwater Conservation District, and the transfer of the jurisdiction, authority, assets and liabilities of the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority.

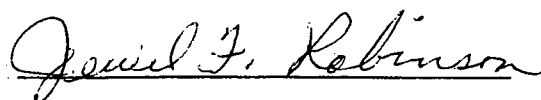
's Seal:



March 7, 2005

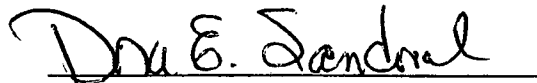
BEFORE ME, the undersigned authority, personally appeared Jewel F. Robinson, publisher of The Brackett News, Inc., a newspaper published in the City of Brackettville, Texas, who, being by me, duly sworn upon oath, deposes and says: That said newspaper is of general circulation in the State of Texas County of Kinney.

Public Notice attached, was published in said newspaper, in its issue(s) of March 03, 2005 and said newspaper devotes not less than twenty-five (25%) of its total column lineage to items of general interest, is published not less frequently than once each week, entered as second-class postal matter in the city where it is published regularly and continuously for not less than (12) months prior to the date of the publication of said attachment.



Jewel F. Robinson - Publisher

SUBSCRIBED BEFORE ME, this the 7th day of March, 2005.



Notary Public, State of Texas
Kinney County Clerk

My Commission Expires 12-31-07

PUBLIC NOTICE

THIS IS TO give notice of intent to introduce in the 79th Legislature, Regular Session, a bill to be entitled "an Act relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority"; which legislation includes the dissolution of Kinney County Groundwater Conservation District and the transfer of the jurisdiction, authority, assets and liabilities of the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority.

THE NEW BRAUNFELS HERALD-ZEITUNG
NEW BRAUNFELS, TEXAS

NEW BRAUNFELS HERALD-ZEITUNG

ATTN: WENDY FOSTER
WINSTEAD SECHREST & MINI
401 CONGRESS AVE SUITE 2100
AUSTIN TX 78701

REFERENCE: 12542697
1090944 INV 5538/NOTICE

STATE OF TEXAS
COUNTY OF COMAL

Before me, the undersigned authority, on this day,
personally appeared, Vilma Z Linares, who being
duly sworn, deposes and says that she is the
Operations Director at the New Braunfels
Herald-Zeitung; that said newspapers is regularly
published in Comal County and generally circulated
in Comal, Guadalupe, Hays, and Bexar
counties, Texas; that the attached notice was
published on the following date.

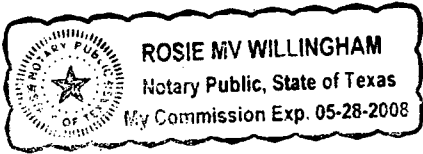
Vilma Z Linares

Vilma Z Linares--Operations Director

PUBLISHED ON: 02/24

FILED ON: 03/01/05

Subscribed and sworn before me this 1st of March
2005__A.D.



Rosie M.V. Willingham
Notary Public

110 Legal Notices

NOTICE


This is to give notice of intent to introduce in the 79th Legislature, Regular Session, a bill to be entitled "an Act relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority"; which legislation includes the dissolution of Kinney County Groundwater Conservation District, and the transfer of the jurisdiction, authority, assets and liabilities of the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority.

PUBLISHER'S AFFIDAVIT

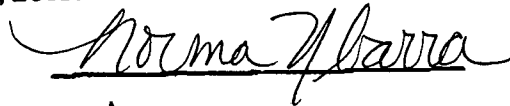
STATE OF TEXAS

COUNTY OF UVALDE

Before me, a Notary Public in and for Uvalde County, Texas, this day personally appeared Craig Garnett, in his/her capacity as Publisher of the Uvalde Leader-News, news paper of general paid circulation in Uvalde, Real, Zavala, Kinney, ^{Edwards} County(s), who, being duly sworn, states that the attached Notice of Intent to File Legislation was published in The Uvalde Leader-News on February 24, 2005.

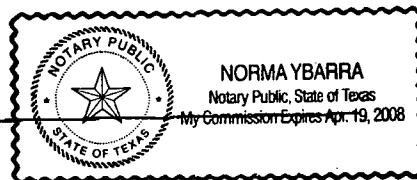

Craig Garnett
 Affiant's Printed Name

Sworn to and subscribed before me this 28
 day of February, 2005.


Norma Ybarra
 Notary's Printed Name

My Commission Expires: 4-19-2008

Notary's Seal:



NOTICE

This is to give notice of intent to introduce in the 79th Legislature, Regular Session, a bill to be entitled "an Act relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority"; which legislation includes the dissolution of Kinney County Groundwater Conservation District, and the transfer of the jurisdiction, authority, assets and liabilities of the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority.

THE STATE OF TEXAS }
County of Hays: }

Before me, the undersigned, holding the office of Notary Public in and

for Hays County, Texas, personally appeared Cheryl Sosa,
who states under oath that he is the publisher of the San Marcos Daily Record, a newspaper which has been
regularly and continuously published in San Marcos, Hays County, Texas, for a period of more than one
year immediately preceding the date of publication of this notice and that the Notice by Publication hereto
attached was published in the regular edition of said newspaper for a period of _____

_____ on the following dates
February 24, 2005, _____, 20____
_____, 20____, _____, 20____
_____, 20____, _____, 20____
_____, 20____, a printed clipping of said notice being hereto attached.

The said publisher further states that the rate charged for this publication is the lowest rate charged
commercial advertisers for the same class of advertising for a like amount of space.

(Signed)

Cheryl Sosa
Publisher advertising Director

Subscribed and sworn to before me this

24

day of

February

2005

Kaye Phillips



KAYE PHILLIPS
My Commission Expires
July 16, 2008

040

Public Notices

040

Public Notices

PUBLIC NOTICE

This is to give notice of intent to introduce in the
79th Legislature, regular session, a bill to be en-
titled "an act relating to the consolidation of the Kin-
ney County Groundwater Conservation District in-
to the Edwards Aquifer Authority", which legisla-
tion includes the dissolution of Kinney County
Groundwater Conservation District, and the trans-
fer of the jurisdiction, authority, asset and liabilities
of the Kinney County Groundwater Conservation
District to the Edwards Aquifer Authority.

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that SB 1857, by Madia,
(Bill No.) (Author/Sponsor)

was heard by the Committee on Natural Resources on 4/28,
2005,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Holly C. Hunt
(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

ADOPTED

MAY 16 2005

29-1
Duffy
Secretary of the Senate

By: _____

Madda

S.B. No. 1857

Substitute the following for S.B. No. 1857:

By: _____

Madda

C.S. S.B. No. 1857

A BILL TO BE ENTITLED

AN ACT

relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DISSOLUTION. The Kinney County Groundwater Conservation District is dissolved, and the aquifer and other underground water in Kinney County is made subject to the jurisdiction of the Edwards Aquifer Authority.

SECTION 2. AMENDMENT. ^{Subsection (a),} Section 1.02 ~~(a)~~, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(a) A conservation and reclamation district, to be known as the Edwards Aquifer Authority, is created in all or part of Atascosa, Bexar, Caldwell, Comal, Guadalupe, Hays, Kinney, Medina, and Uvalde counties. A confirmation election is not necessary. The authority is a governmental agency and a body politic and corporate.

SECTION 3. AMENDMENT. Section 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by amending Subdivision (1) and adding Subdivision (28) to read as follows:

(1) "Aquifer" means the Edwards Aquifer, which is that portion of an arcuate belt of porous, water-bearing, predominately carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone extending from west to east to northeast ^{1/2}

1 from the western hydrologic division near Brackettville in Kinney
2 County that separates underground flow toward the Comal Springs and
3 San Marcos Springs from underground flow to the Rio Grande Basin,
4 through Uvalde, Medina, Atascosa, Bexar, Guadalupe, and Comal
5 counties, and in Hays County south of the hydrologic division near
6 Kyle that separates flow toward the San Marcos River from flow to
7 the Colorado River Basin.

8 (28) "Western hydrologic division" means the aquifer
9 boundary or groundwater divide, delineated in the Edwards
10 Underground Water District Report 95-01, between the Edwards
11 Aquifer to the east and the Edwards-Trinity (Plateau) Aquifer to
12 the west, which extends along a line, sometimes referred to as the
13 Spofford Fault, that runs from the intersection of the Kinney
14 County/Maverick County line and Stricklin Creek, northwesterly
15 along a lineament oriented approximately North 14° West along the
16 western side of the Anacacho Mountains, to the unnamed igneous
17 intrusion south of Highway 90 referenced in Report 95-01, then
18 westerly through Las Moras Springs to Pinto Springs, and then
19 northwesterly along the Spofford Fault system, along the western
20 side of Pinto Mountain and the topographic high in the unnamed
21 escarpment referenced in Report 95-01, to the intersection of Flat
22 Rock Creek and the Kinney County/Edwards County line. This
23 boundary may be described more precisely as a line connecting the
24 following latitude/longitude coordinate points geospatially
25 referenced to the North American Datum of 1927:

26 Beginning at Point 1: North 29° 5.09'/West 100° 16.04';

27 Thence through Point 2: North 29° 16.57' /

2/3

1 West 100°/20.37';

2 Thence continuing to Point 3: North 29° 18.52'/'

3 West 100° 25.20';

4 Thence continuing to Point 4: North 29° 24.45'/'

5 West 100° 27.12'; and

6 Ending at Point 5: North 29° 37.40'/West 100° 33.43'. The
7 source of water discharged from both Las Moras Springs and Pinto
8 Springs is the Edwards Aquifer.

9 SECTION 4. AMENDMENT. Section 1.04, Chapter 626, Acts of
10 the 73rd Legislature, Regular Session, 1993, is amended to read as
11 follows:

12 Sec. 1.04. BOUNDARIES. The authority includes the
13 territory contained within the following area:

14 (1) all of the areas of Bexar, Kinney, Medina, and
15 Uvalde counties;

16 (2) all of the area of Comal County, except that
17 portion of the county that lies North of the North line through the
18 county of Subdivision No. 1 of the Underground Water Reservoir in
19 the Edwards Limestone, Balcones escarpment area, as defined by the
20 order of the Board of Water Engineers dated January 10, 1957;

21 (3) the part of Caldwell County beginning with the
22 intersection of Hays County Road 266 and the San Marcos River;

23 THENCE southeast along the San Marcos River to the point of
24 intersection of Caldwell, Guadalupe, and Gonzales counties;

25 THENCE southeast along the Caldwell-Gonzales County line to
26 its intersection with U.S. Highway 183;

27 THENCE north along U.S. Highway 183 to its intersection with ³/₄

1 State Highway 21;
2 THENCE southwest along State Highway 21 to its intersection
3 with Hays County Road 266;
4 THENCE southwest along Hays County Road 266 to the place of
5 beginning;
6 (4) the part of Hays County beginning on the northwest
7 line of the R. B. Moore Survey, Abstract 412, in Comal County where
8 it crosses the Comal County-Hays County line northeast along the
9 northwest line of said Survey to the northeast corner of said Survey
10 in Hays County, Texas;
11 THENCE southeast in Hays County, Texas across the Jas.
12 Deloach Survey, Abstract 878, to the most westerly northwest corner
13 of the Presidio Irrigation Co. Survey, Abstract 583;
14 THENCE northeast along the northwest line of said Survey to
15 its most northerly northwest corner;
16 THENCE continuing in the same line across the R.S. Clayton
17 Survey 2, Block 742, to the west line of the H. & G. N. RR. Co.
18 Survey 1, Abstract 668;
19 THENCE north along the west line of said Survey to its
20 northwest corner;
21 THENCE east along the north line of said Survey to its
22 northeast corner;
23 THENCE northeast across the David Wilson Survey 83, Abstract
24 476, to the southeast corner of the F. W. Robertson Survey 71,
25 Abstract 385;
26 THENCE north along the east line of said Survey to the
27 southwest corner of the Benjamin Weed Survey 72, Abstract 483; / 4/5

1 THENCE east along the south line of said Survey to its
2 southeast corner;

3 THENCE northeast across the William Gray Survey 73, Abstract
4 92, and the Murray Bailey Survey 75, Abstract 42, to the southwest
5 corner of the D. Holderman Survey 33, Abstract 225;

6 THENCE north along the west line of said Survey to its
7 northwest corner;

8 THENCE continuing in the same line to the north line of the
9 Day Land & Cattle Co. Survey 672;

10 THENCE west along said north line of said Survey to its
11 northwest corner, which is in the east line of the Jesse Williams
12 Survey 4 to the northeast corner of said Survey;

13 THENCE west along the north line of said Survey to the
14 Southwest corner of the Amos Singleton Survey 106, Abstract 410;

15 THENCE north along the west lines of said Amos Singleton
16 Survey 106 and the Watkins Nobles Survey 107, Abstract 346, to the
17 northwest corner of said Watkins Nobles Survey 107;

18 THENCE east along the north line of said Survey to the
19 southwest corner of the Jesusa Perez Survey 14, Abstract 363;

20 THENCE north along the west line of said Jesusa Perez Survey
21 14 to its northwest corner;

22 THENCE east along the north line of said Survey to its
23 northeast corner;

24 THENCE, south along the east line of said Survey for a
25 distance of approximately 10,000 feet to its intersection with
26 Ranch Road 150;

27 THENCE, east by southeast along Ranch Road 150 approximately 76

1 24,500 feet to its intersection with the southern boundary line of
2 the Andrew Dunn Survey 9, Abstract 4;

3 THENCE, east along the south line of said survey as it extends
4 and becomes the southern boundary line of the Morton M. McCarver
5 Survey 4, Abstract 10, for a distance of approximately 7,000 feet to
6 its intersection with Ranch Road 2770;

7 THENCE, south on Ranch Road 2770 for a distance of
8 approximately 400 feet to its intersection with Farm-to-Market Road
9 171;

10 THENCE, east along Farm-to-Market Road 171 for a distance of
11 approximately 10,500 feet to its intersection with Farm-to-Market
12 Road 25;

13 THENCE, north by northeast along Farm-to-Market Road 25 for a
14 distance of approximately 3,100 feet to its intersection with
15 Farm-to-Market Road 131;

16 THENCE, east by southeast along Farm-to-Market Road 131 for a
17 distance of approximately 3,000 feet to its intersection with the
18 east line of the Thomas G. Allen Survey, Abstract 26;

19 THENCE south along the east line of said Thomas G. Allen
20 Survey to the most northerly northwest corner of the Elisha Pruett
21 Survey 23, Abstract 376;

22 THENCE southwest along a west line of said Elisha Pruett
23 Survey 23 to the west corner of said Survey;

24 THENCE southeast along the southwest line of said Survey to
25 the north corner of the John Stewart Survey, Abstract 14;

26 THENCE southwest along the northwest line of said John
27 Stewart Survey to its west corner; /

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1 THENCE continuing in the same line to the most northerly
2 southwest line of the John Jones Survey, Abstract 263;

3 THENCE southeast along said southwest line to an interior
4 corner of said John Jones Survey;

5 THENCE southwest along the most southerly northwest line of
6 said Survey to the southwest corner of said Survey;

7 THENCE southeast along the south line of said Survey to the
8 north corner of the James W. Williams Survey 11, Abstract 473;

9 THENCE southwest along the northwest line of said James W.
10 Williams Survey 11 to its west corner;

11 THENCE southeast along the southwest line of said Survey to
12 the north right-of-way line of the I. & G. N. RR.;

13 THENCE southwest along said right-of-way of said I. & G. N.
14 RR. to the Hays County-Comal County line;

15 THENCE south along said county line to the northwest line of
16 the R. B. Moore Survey, Abstract 412, in Hays County where it
17 crosses the Hays County-Comal County line;

18 (5) all of the territory of Hays County contained
19 within the following described area:

20 Beginning on the most southern point of Hays County at the
21 intersection of Hays, Comal, and Guadalupe Counties; then
22 continuing in a northeasterly direction along the Hays-Guadalupe
23 county line to its intersection with the Hays-Caldwell county line;
24 then continuing along the Hays-Caldwell county line to an
25 intersection with Farm-to-Market Road 150; then continuing in a
26 northwesterly direction along Farm-to-Market Road 150 to the
27 intersection with the existing southern boundary of the part of 1/8

1 Hays County described in Subdivision (4) of this section; then
2 continuing in a southwesterly direction along the existing southern
3 boundary of the part of Hays County described in Subdivision (4) of
4 this section to the intersection with the Hays-Comal county line;
5 then continuing in a southerly direction along the Hays-Comal
6 county line to the point of beginning;

7 (6) the part of Guadalupe County beginning at the
8 Guadalupe County-Caldwell County-Hays County line at the San Marcos
9 River in the northeast corner of Guadalupe County, Texas.

10 THENCE southwest along the Guadalupe County-Hays County line
11 to the intersect of the Guadalupe County-Hays County-Comal County
12 line.

13 THENCE southwest along the Guadalupe County-Comal County
14 line to the intersect of the Guadalupe County-Comal County-Bexar
15 County intersect at the Cibolo creek.

16 THENCE south along the Guadalupe County-Bexar County line
17 along the Cibolo creek to the intersect of the Guadalupe
18 County-Bexar County-Wilson County line.

19 THENCE south along the Guadalupe County-Wilson County line
20 along the Cibolo creek to the intersect and crossing of Guadalupe
21 County Road 417.

22 THENCE east along Guadalupe County Road 417 to the intersect
23 of Guadalupe County Road 417 and Guadalupe County Road 412.

24 THENCE northeast along Guadalupe County Road 412 to the
25 intersect of Guadalupe County Road 412 and Guadalupe County Road
26 411 A.

27 THENCE east along Guadalupe County Road 411 A to the / 8/7

1 intersect of Guadalupe County Road 411 A and Farm-to-Market road
2 number 725.

3 THENCE north along Farm-to-Market Road 725 to the intersect
4 of Farm-to-Market Road 725 and Interstate Highway 10.

5 THENCE east along Interstate Highway 10 to the intersect of
6 Interstate Highway 10 and State Highway 90.

7 THENCE east along State Highway 90 to the Guadalupe
8 County-Caldwell County line at the San Marcos river.

9 THENCE northwest along the Guadalupe County-Caldwell County
10 line along the San Marcos river to the place of beginning; and

11 (7) the part of Atascosa County beginning on the north
12 line of the Robt. C. Rogers Survey, at the Bexar County-Atascosa
13 County line, to its northwest corner, which is the northeast corner
14 of the F. Brockinzen Survey, Abstract 86;

15 THENCE south along the east line of said Survey passing
16 through its southeast corner and continuing south along the east
17 line of the F. Brockinzen Survey, Abstract 90, to its southeast
18 corner;

19 THENCE west along the south line of said survey to its
20 southwest corner;

21 THENCE north along the west line of said F. Brockinzen Survey
22 to the southeast corner of the B. Bonngartner Survey, Abstract 87;

23 THENCE west along the south line of said B. Bonngartner
24 Survey passing through its southwest corner and continuing along
25 the south line of the J. B. Goettlemann Survey, Abstract 309, to the
26 Atascosa County-Medina County line;

27 THENCE north along the Atascosa County-Medina County line to 2 1/2

1 the Bexar County line;

2 THENCE east along the Atascosa County-Bexar County Line to
3 the place of beginning.

4 SECTION 5. AMENDMENT. Section 1.08, Chapter 626, Acts of
5 the 73rd Legislature, Regular Session, 1993, is amended by amending
6 Subsection (b) and adding Subsections (b-1), (b-2), and (b-3) to
7 read as follows:

8 (b) The authority's powers regarding underground water
9 apply only to underground water within or withdrawn from:

10 (1) the aquifer; or

11 (2) any other underground water resource in Kinney
12 County.

13 (b-1) With respect to underground water in Kinney County
14 that is not water of the aquifer:

15 (1) Sections 1.01, 1.13 through 1.21, 1.23, 1.25,
16 1.26, 1.28(a) and (b), 1.29 through 1.34, and 1.41 through 1.45 of
17 this article do not apply;

18 (2) Section 36.205(e)(1), Water Code, does not apply;
19 and

20 (3) the authority has all the rights, powers,
21 privileges, authority, functions, and duties provided by:

22 (A) the applicable provisions of this article;

23 (B) the general law of this state applicable to a
24 groundwater conservation district created under Section 59,
25 Article XVI, Texas Constitution, including Chapter 36, Water Code;
26 and

27 (C) Chapter 49, Water Code, as that chapter

1 applies to an authority created under Section 59, Article XVI,
2 Texas Constitution.

3 (b-2) With respect to that part of Kinney County west of the
4 western hydrologic division, Section 36.201(c), Water Code, does
5 not apply to or restrict the authority's continuing imposition of
6 an ad valorem tax not to exceed 10 cents on each \$100 of assessed
7 valuation.

8 (b-3) This section [~~subsection~~] is not intended to allow the
9 authority to regulate surface water.

10 SECTION 6. AMENDMENT. ^{Subsection (n),} Section 1.093~~(n)~~, Chapter 626, Acts
11 of the 73rd Legislature, Regular Session, 1993, is amended to read
12 as follows:

13 (n) District 14 is composed of Kinney County and that part
14 of Uvalde County BNA 9502 included in block groups 3 and 4 and
15 blocks 102, 103, 106, 117, 140, 142, 201, 202, 203, 204, 206, 207,
16 208, 209, 210, 211, 212, 213, 214, 215, 216A, 216B, 217, 218, 219,
17 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232,
18 233, 234, 235, 236, 237, 238, 239A, 239B, 240, 241, 242, 243, 244,
19 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257,
20 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270,
21 271, 272, 273, 274, 278, 279, 280, 281, 282, 283, 284, 285, 286,
22 288, 296, 297, 299, 299R, 521, 522, 523, 524, 525, 526, 527, 528,
23 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, and 541;
24 and that part of Uvalde County BNA 9503 included in block groups 2,
25 3, 4, 5, 6, and blocks 101B, 101C, 102, 103, 104, 105, 106, 107, 108,
26 109A, 109B, 110, 111, 112, 113, 114, 115, 116A, 116B, 116C, 117A,
27 117B, 118, 119, 120, 121, 122, 123, 124, 126, 133, 134, 135, 136, 11 1/2

1 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149,
2 150, 151, 152, 153, 154, 155, 156, 164A, 164B, 165, 166, 167, 168,
3 169, 170, 171, 172, 173, and 174; and that part of Uvalde County BNA
4 9504 included in block group 4 and blocks 314, 316, and 319; and
5 that part of Uvalde County BNA 9505 included in block groups 2 and 3
6 and blocks 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123,
7 124, 125, 126A, 126B, 126C, 127, 128, 129, 130, 131, 132, 133, 134,
8 135, 136, 137, 138, 139A, 139B, 140, 141, 142A, 142B, 143A, 143B,
9 144, 145, 146, 147, 148, 149A, 149B, 150, 151, and 152.

10 SECTION 7. AMENDMENT. ^{Subsection (a),} Section 1.10 ^(a), Chapter 626, Acts
11 of the 73rd Legislature, Regular Session, 1993, is amended to read
12 as follows:

13 (a) The South Central Texas Water Advisory Committee shall
14 advise the board on downstream water rights and issues. The
15 advisory committee consists of one member appointed by the
16 governing body of each of the following counties and
17 municipalities, except that Atascosa County may not have a
18 representative on the advisory committee when the county has a
19 representative member on the board:

- 20 (1) Atascosa;
21 (2) Caldwell;
22 (3) Calhoun;
23 (4) Comal;
24 (5) DeWitt;
25 (6) Goliad;
26 (7) Gonzales;
27 (8) Guadalupe; /

12/13

- 1 (9) Hays;
2 (10) Karnes;
3 (10-a) Kinney;
4 (11) Medina;
5 (12) Nueces;
6 (13) Refugio;
7 (14) San Patricio;
8 (15) Uvalde;
9 (16) Victoria;
10 (17) Wilson;
11 (18) the City of San Antonio;
12 (19) the City of Victoria; and
13 (20) the City of Corpus Christi.

14 SECTION 8. AMENDMENT. ^{Subsection (g),} Section 1.14~~g~~, Chapter 626, Acts
15 of the 73rd Legislature, Regular Session, 1993, is amended to read
16 as follows:

17 (g) The authority by rule may, in accordance with
18 hydrogeologic research:

- 19 (1) define other pools within the aquifer;
20 (2) [~~in accordance with hydrogeologic research, and~~
21 ~~may~~] establish index wells for any pool to monitor the level of the
22 aquifer to aid the regulation of withdrawals from the pools; or
23 (3) more accurately define and locate the western
24 hydrologic division in Kinney County.

25 SECTION 9. AMENDMENT. Section 1.16, Chapter 626, Acts of
26 the 73rd Legislature, Regular Session, 1993, is amended by adding
27 Subsection (b-1) to read as follows: /

13/14

1 (b-1) An existing user withdrawing underground water from
2 the portion of the aquifer in Kinney County must file a declaration
3 of historical use on or before March 1, 2006, on a form prescribed
4 by the board. An applicant for a permit must timely pay all
5 application fees required by the board.

6 SECTION 10. AMENDMENT. Section 1.17, Chapter 626, Acts of
7 the 73rd Legislature, Regular Session, 1993, is amended by adding
8 Subsections (a-1) and (e) to read as follows:

9 (a-1) Subsection (a) of this section does not apply to a
10 person who, on September 1, 2005, owns a producing well located in
11 Kinney County and uses the well to withdraw water from the aquifer.
12 A person who, on September 1, 2005, owns a producing well in Kinney
13 County that withdraws water from the aquifer may continue to
14 withdraw and beneficially use water without waste until final
15 action on permits by the authority if:

16 (1) the well is in compliance with all statutes and
17 rules relating to well construction, approval, location, spacing,
18 and operation; and

19 (2) the person files a declaration of historical use
20 as prescribed by Section 1.16(b-1) of this article.

21 (e) Subsection (d) of this section does not apply to a well
22 described by Subsection (a-1) of this section. Interim
23 authorization for a well described by Subsection (a-1) of this
24 section ends on:

25 (1) entry of a final and appealable order by the
26 authority acting on the application for the well; or

27 (2) March 1, 2006, if the well owner has not filed a 14/5

1 declaration of historical use.

2 ^{Subsection (b),}
3 SECTION 11. AMENDMENT. ^{Section 1.18(b),} Chapter 626, Acts
4 of the 73rd Legislature, Regular Session, 1993, is amended to read
5 as follows:

6 (b) The authority may not consider or take action on an
7 application relating to a proposed or existing well of which there
8 is no evidence of actual beneficial use before June 1, 1993, until a
9 final determination has been made:

10 (1) on all initial regular permit applications
11 submitted on or before the initial application date of March 1,
12 1994; or

13 (2) on all initial regular permit applications
14 submitted for aquifer use in Kinney County on or before the initial
15 application date of March 1, 2006.

16 ^{Subsection (c),}
17 SECTION 12. AMENDMENT. ^{Section 1.34(c),} Chapter 626, Acts
18 of the 73rd Legislature, Regular Session, 1993, is amended to read
19 as follows:

20 (c) A permit holder may lease permitted water rights, but a
21 holder of a permit to use water from the aquifer for irrigation use
22 may not lease more than 50 percent of the irrigation rights
23 initially permitted. The user's remaining irrigation water rights
24 must be used in accordance with the original permit and must pass
25 with transfer of the irrigated land.

26 SECTION 13. REPEALER. Chapter 1344, Acts of the 77th
27 Legislature, Regular Session, 2001, is repealed.

28 SECTION 14. TRANSITION: DISSOLUTION AND RULES. (a) On the
29 effective date of this Act: /

15/16

1 (1) all the powers, duties, rights, assets, and
2 obligations of the Kinney County Groundwater Conservation District
3 become the powers, duties, rights, assets, and obligations of the
4 Edwards Aquifer Authority;

5 (2) all records, supplies, and other property relating
6 to the administration of the Kinney County Groundwater Conservation
7 District shall be transferred to the Edwards Aquifer Authority; and

8 (3) the Edwards Aquifer Authority shall be
9 automatically substituted for the Kinney County Groundwater
10 Conservation District in any judicial or administrative proceeding
11 to which, on the effective date of this Act, the Kinney County
12 Groundwater Conservation District is a party or is sitting or
13 serving as an administrative, regulatory, or adjudicative body.

14 (b) On completion of the transfer under ^{Subdivision (2),} Subsection (a) ~~(2)~~ of
15 this section, the Kinney County Groundwater Conservation District
16 is dissolved.

17 (c) Any rule adopted by the Kinney County Groundwater
18 Conservation District before the effective date of this Act that
19 relates to the management or control of the Edwards Aquifer is void.
20 Any rule adopted by the Kinney County Groundwater Conservation
21 District before January 1, 2005, that relates to the management or
22 control of underground water other than water of the Edwards
23 Aquifer is, on the effective date of this Act, a rule of the
24 ^{Edwards Aquifer} authority and remains in effect until amended or repealed by the
25 authority.

26 SECTION 15. TRANSITION: PERMITS AND HEARINGS. (a) In this
27 section: | 16/17

1 (1) "Authority" means the Edwards Aquifer Authority.

2 (2) "District" means the Kinney County Groundwater
3 Conservation District.

4 (b) Not later than the 90th day after the effective date of
5 this Act and in accordance with this section, the authority shall
6 review and act on each application for a historic or existing use
7 permit for underground water other than water of the Edwards
8 Aquifer that was filed with the district on or before December 31,
9 2003, in accordance with the district's rules then in effect.

10 (c) If the district reviewed an application for and granted
11 a permit before the effective date of this Act and the applicant did
12 not timely file a motion for rehearing on the application, the
13 applicant shall, on or before December 31, 2005:

14 (1) notify the authority in writing that the applicant
15 accepts the permit granted by the district; or

16 (2) file with the authority a motion to reconsider the
17 application and review the district record of the application.

18 (d) If an applicant accepts the district permit under
19 Subsection (c) of this section, not later than the 45th day after
20 the date on which the authority receives the applicant's
21 acceptance, the authority shall issue to the applicant a permit
22 that has terms and conditions consistent with the terms and
23 conditions of the district permit and authorizes production amounts
24 equal to the amounts authorized by the district permit.

25 (e) If an applicant does not timely file an acceptance or a
26 motion for reconsideration under Subsection (c) of this section,
27 not later than February 14, 2006, the authority shall issue to the / 17/18

1 applicant a permit that has terms and conditions consistent with
2 the terms and conditions of the district permit and authorizes
3 production amounts equal to the amounts authorized by the district
4 permit.

5 (f) If an applicant timely files a motion for
6 reconsideration under Subsection (c) of this section, not later
7 than the 90th day after the date on which the authority receives the
8 motion, the authority shall review the district record of the
9 application and, after notice to the applicant and an opportunity
10 for a hearing, make an independent recommendation on the issuance
11 of a permit based on the district's rules in effect on January 1,
12 2004, regarding the issuance of historic or existing use permits
13 and evidence in the record, including any additional information
14 presented by the applicant during a hearing conducted by the
15 authority.

16 (g) If an applicant received a permit from the district and
17 timely filed a motion for rehearing with the district, the
18 authority shall review the permit issued by the district and the
19 hearing report prepared by the district's presiding officer, as
20 that hearing report may have been amended on the record during the
21 district's public hearing on the application, and:

22 (1) issue to the applicant a permit that has terms and
23 conditions consistent with the hearing report as it may have been
24 amended during the district's hearings on the permit and authorizes
25 production amounts equal to the amounts recommended by the report;
26 or

27 (2) if the authority finds, after notice to the / 12/19

1 applicant and an opportunity for a hearing, that the
2 recommendations in the hearing report are not supported by any
3 evidence on the record, issue to the applicant a permit with terms,
4 conditions, and production amounts the authority determines are
5 supported by evidence on the record.

6 (h) If the district has not granted a permit to an applicant
7 who submitted an application before the effective date of this Act,
8 but the presiding officer of the district has prepared a hearing
9 report on the application and the district has held a public hearing
10 on the application, the authority shall review the hearing report
11 and any amendment to the report that may have been made on the
12 record during the hearing and:

13 (1) issue to the applicant a permit that has terms and
14 conditions consistent with the hearing report as it may have been
15 amended during the hearing and authorizes production amounts equal
16 to the amounts recommended by the report; or

17 (2) if the authority finds, after notice to the
18 applicant and an opportunity for a hearing, that the
19 recommendations in the hearing report are not supported by any
20 evidence on the record, issue to the applicant a permit with terms,
21 conditions, and production amounts the authority determines are
22 supported by evidence on the record.

23 (i) An applicant aggrieved by the authority's decision on a
24 permit issued by the authority under this section may file a motion
25 for rehearing with the authority not later than the 20th day after
26 the date on which the authority issues the permit to the applicant
27 in writing. Not later than the 45th day after the date on which the

#

1 authority receives the motion, the authority shall act on the
2 motion. If the authority does not act on the motion in the time
3 allowed, the motion for rehearing is overruled by operation of law.
4 The authority's decision on a permit is final and appealable when
5 the motion for rehearing is overruled, in whole or in part, by the
6 authority in writing or by operation of law. The timely filing of a
7 motion for rehearing is a prerequisite to an appeal of the
8 authority's decision on a permit issued under this section. An
9 applicant aggrieved by the authority's decision on the motion for
10 rehearing may appeal the authority's decision by filing suit in
11 district court under Subchapter H, Chapter 36, Water Code. On
12 appeal, the district court shall conduct a trial de novo on the
13 application.

14 SECTION 16. TRANSITION: APPOINTMENT TO SOUTH CENTRAL TEXAS
15 WATER ADVISORY COMMITTEE. As soon as practicable after the
16 effective date of this Act, the Kinney County Commissioners Court
17 shall appoint a member of the South Central Texas Water Advisory
18 Committee under ^{Subsection (a),} Section 1.10~~(a)~~, Chapter 626, Acts of the 73rd
19 Legislature, Regular Session, 1993, as amended by this Act.

20 SECTION 17. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.
21 (a) The legal notice of the intention to introduce this Act,
22 setting forth the general substance of this Act, has been published
23 as provided by law, and the notice and a copy of this Act have been
24 furnished to all persons, agencies, officials, or entities to which
25 they are required to be furnished under Section 59, Article XVI,
26 Texas Constitution, and Chapter 313, Government Code. / 20/21

27 (b) The governor has submitted the notice and Act to the

1 Texas Commission on Environmental Quality.

2 (c) The Texas Commission on Environmental Quality has filed
3 its recommendations relating to this Act with the governor,
4 lieutenant governor, and speaker of the house of representatives
5 within the required time.

6 (d) All requirements of the constitution and laws of this
7 state and the rules and procedures of the legislature with respect
8 to the notice, introduction, and passage of this Act are fulfilled
9 and accomplished.

10 SECTION 18. EFFECTIVE DATE. This Act takes effect
11 September 1, 2005.

By: Madla

S.B. No. 1857

A BILL TO BE ENTITLED

AN ACT

relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DISSOLUTION. The Kinney County Groundwater Conservation District is dissolved, and the aquifer and other underground water in Kinney County is made subject to the jurisdiction of the Edwards Aquifer Authority.

SECTION 2. AMENDMENT. Subsection (a), Section 1.02, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(a) A conservation and reclamation district, to be known as the Edwards Aquifer Authority, is created in all or part of Atascosa, Bexar, Caldwell, Comal, Guadalupe, Hays, Kinney, Medina, and Uvalde counties. A confirmation election is not necessary. The authority is a governmental agency and a body politic and corporate.

SECTION 3. AMENDMENT. Section 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by amending Subdivision (1) and adding Subdivision (28) to read as follows:

(1) "Aquifer" means the Edwards Aquifer, which is that portion of an arcuate belt of porous, water-bearing, predominately carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone extending from west to east to northeast

from the western hydrologic division near Brackettville in Kinney County that separates underground flow toward the Comal Springs and San Marcos Springs from underground flow to the Rio Grande Basin, through Uvalde, Medina, Atascosa, Bexar, Guadalupe, and Comal counties, and in Hays County south of the hydrologic division near Kyle that separates flow toward the San Marcos River from flow to the Colorado River Basin.

(28) "Western hydrologic division" means the aquifer boundary or groundwater divide, delineated in the Edwards Underground Water District Report 95-01, between the Edwards Aquifer to the east and the Edwards-Trinity (Plateau) Aquifer to the west, which extends along a line, sometimes referred to as the Spofford Fault, that runs from the intersection of the Kinney County/Maverick County line and Stricklin Creek, northwesterly along a lineament oriented approximately North 14° West along the western side of the Anacacho Mountains, to the unnamed igneous intrusion south of Highway 90 referenced in Report 95-01, then westerly through Las Moras Springs to Pinto Springs, and then northwesterly along the Spofford Fault system, along the western side of Pinto Mountain and the topographic high in the unnamed escarpment referenced in Report 95-01, to the intersection of Flat Rock Creek and the Kinney County/Edwards County line. This boundary may be described more precisely as a line connecting the following latitude/longitude coordinate points geospatially referenced to the North American Datum of 1927:

Beginning at Point 1: North 29° 5.09'/West 100° 16.04';

Thence through Point 2: North 29° 16.57'/

1 West 100°/20.37';

2 Thence continuing to Point 3: North 29° 18.52'/'

3 West 100° 25.20';

4 Thence continuing to Point 4: North 29° 24.45'/'

5 West 100° 27.12'; and

6 Ending at Point 5: North 29° 37.40'/West 100° 33.43'. The
7 source of water discharged from both Las Moras Springs and Pinto
8 Springs is the Edwards Aquifer.

9 SECTION 4. AMENDMENT. Section 1.04, Chapter 626, Acts of
10 the 73rd Legislature, Regular Session, 1993, is amended to read as
11 follows:

12 Sec. 1.04. BOUNDARIES. The authority includes the
13 territory contained within the following area:

14 (1) all of the areas of Bexar, Kinney, Medina, and
15 Uvalde counties;

16 (2) all of the area of Comal County, except that
17 portion of the county that lies North of the North line through the
18 county of Subdivision No. 1 of the Underground Water Reservoir in
19 the Edwards Limestone, Balcones escarpment area, as defined by the
20 order of the Board of Water Engineers dated January 10, 1957;

21 (3) the part of Caldwell County beginning with the
22 intersection of Hays County Road 266 and the San Marcos River;

23 THENCE southeast along the San Marcos River to the point of
24 intersection of Caldwell, Guadalupe, and Gonzales counties;

25 THENCE southeast along the Caldwell-Gonzales County line to
26 its intersection with U.S. Highway 183;

27 THENCE north along U.S. Highway 183 to its intersection with

1 State Highway 21;

2 THENCE southwest along State Highway 21 to its intersection
3 with Hays County Road 266;

4 THENCE southwest along Hays County Road 266 to the place of
5 beginning;

6 (4) the part of Hays County beginning on the northwest
7 line of the R. B. Moore Survey, Abstract 412, in Comal County where
8 it crosses the Comal County-Hays County line northeast along the
9 northwest line of said Survey to the northeast corner of said Survey
10 in Hays County, Texas;

11 THENCE southeast in Hays County, Texas across the Jas.
12 Deloach Survey, Abstract 878, to the most westerly northwest corner
13 of the Presidio Irrigation Co. Survey, Abstract 583;

14 THENCE northeast along the northwest line of said Survey to
15 its most northerly northwest corner;

16 THENCE continuing in the same line across the R.S. Clayton
17 Survey 2, Block 742, to the west line of the H. & G. N. RR. Co.
18 Survey 1, Abstract 668;

19 THENCE north along the west line of said Survey to its
20 northwest corner;

21 THENCE east along the north line of said Survey to its
22 northeast corner;

23 THENCE northeast across the David Wilson Survey 83, Abstract
24 476, to the southeast corner of the F. W. Robertson Survey 71,
25 Abstract 385;

26 THENCE north along the east line of said Survey to the
27 southwest corner of the Benjamin Weed Survey 72, Abstract 483;

1 THENCE east along the south line of said Survey to its
2 southeast corner;

3 THENCE northeast across the William Gray Survey 73, Abstract
4 92, and the Murray Bailey Survey 75, Abstract 42, to the southwest
5 corner of the D.Holderman Survey 33, Abstract 225;

6 THENCE north along the west line of said Survey to its
7 northwest corner;

8 THENCE continuing in the same line to the north line of the
9 Day Land & Cattle Co. Survey 672;

10 THENCE west along said north line of said Survey to its
11 northwest corner, which is in the east line of the Jesse Williams
12 Survey 4 to the northeast corner of said Survey;

13 THENCE west along the north line of said Survey to the
14 Southwest corner of the Amos Singleton Survey 106, Abstract 410;

15 THENCE north along the west lines of said Amos Singleton
16 Survey 106 and the Watkins Nobles Survey 107, Abstract 346, to the
17 northwest corner of said Watkins Nobles Survey 107;

18 THENCE east along the north line of said Survey to the
19 southwest corner of the Jesusa Perez Survey 14, Abstract 363;

20 THENCE north along the west line of said Jesusa Perez Survey
21 14 to its northwest corner;

22 THENCE east along the north line of said Survey to its
23 northeast corner;

24 THENCE, south along the east line of said Survey for a
25 distance of approximately 10,000 feet to its intersection with
26 Ranch Road 150;

27 THENCE, east by southeast along Ranch Road 150 approximately

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1 24,500 feet to its intersection with the southern boundary line of
2 the Andrew Dunn Survey 9, Abstract 4;

3 THENCE, east along the south line of said survey as it extends
4 and becomes the southern boundary line of the Morton M. McCarver
5 Survey 4, Abstract 10, for a distance of approximately 7,000 feet to
6 its intersection with Ranch Road 2770;

7 THENCE, south on Ranch Road 2770 for a distance of
8 approximately 400 feet to its intersection with Farm-to-Market Road
9 171;

10 THENCE, east along Farm-to-Market Road 171 for a distance of
11 approximately 10,500 feet to its intersection with Farm-to-Market
12 Road 25;

13 THENCE, north by northeast along Farm-to-Market Road 25 for a
14 distance of approximately 3,100 feet to its intersection with
15 Farm-to-Market Road 131;

16 THENCE, east by southeast along Farm-to-Market Road 131 for a
17 distance of approximately 3,000 feet to its intersection with the
18 east line of the Thomas G. Allen Survey, Abstract 26;

19 THENCE south along the east line of said Thomas G. Allen
20 Survey to the most northerly northwest corner of the Elisha Pruett
21 Survey 23, Abstract 376;

22 THENCE southwest along a west line of said Elisha Pruett
23 Survey 23 to the west corner of said Survey;

24 THENCE southeast along the southwest line of said Survey to
25 the north corner of the John Stewart Survey, Abstract 14;

26 THENCE southwest along the northwest line of said John
27 Stewart Survey to its west corner;

1 THENCE continuing in the same line to the most northerly
2 southwest line of the John Jones Survey, Abstract 263;

3 THENCE southeast along said southwest line to an interior
4 corner of said John Jones Survey;

5 THENCE southwest along the most southerly northwest line of
6 said Survey to the southwest corner of said Survey;

7 THENCE southeast along the south line of said Survey to the
8 north corner of the James W. Williams Survey 11, Abstract 473;

9 THENCE southwest along the northwest line of said James W.
10 Williams Survey 11 to its west corner;

11 THENCE southeast along the southwest line of said Survey to
12 the north right-of-way line of the I. & G. N. RR.;

13 THENCE southwest along said right-of-way of said I. & G. N.
14 RR. to the Hays County-Comal County line;

15 THENCE south along said county line to the northwest line of
16 the R. B. Moore Survey, Abstract 412, in Hays County where it
17 crosses the Hays County-Comal County line;

18 (5) all of the territory of Hays County contained
19 within the following described area:

20 Beginning on the most southern point of Hays County at the
21 intersection of Hays, Comal, and Guadalupe Counties; then
22 continuing in a northeasterly direction along the Hays-Guadalupe
23 county line to its intersection with the Hays-Caldwell county line;
24 then continuing along the Hays-Caldwell county line to an
25 intersection with Farm-to-Market Road 150; then continuing in a
26 northwesterly direction along Farm-to-Market Road 150 to the
27 intersection with the existing southern boundary of the part of

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1 Hays County described in Subdivision (4) of this section; then
2 continuing in a southwesterly direction along the existing southern
3 boundary of the part of Hays County described in Subdivision (4) of
4 this section to the intersection with the Hays-Comal county line;
5 then continuing in a southerly direction along the Hays-Comal
6 county line to the point of beginning;

7 (6) the part of Guadalupe County beginning at the
8 Guadalupe County-Caldwell County-Hays County line at the San Marcos
9 River in the northeast corner of Guadalupe County, Texas.

10 THENCE southwest along the Guadalupe County-Hays County line
11 to the intersect of the Guadalupe County-Hays County-Comal County
12 line.

13 THENCE southwest along the Guadalupe County-Comal County
14 line to the intersect of the Guadalupe County-Comal County-Bexar
15 County intersect at the Cibolo creek.

16 THENCE south along the Guadalupe County-Bexar County line
17 along the Cibolo creek to the intersect of the Guadalupe
18 County-Bexar County-Wilson County line.

19 THENCE south along the Guadalupe County-Wilson County line
20 along the Cibolo creek to the intersect and crossing of Guadalupe
21 County Road 417.

22 THENCE east along Guadalupe County Road 417 to the intersect
23 of Guadalupe County Road 417 and Guadalupe County Road 412.

24 THENCE northeast along Guadalupe County Road 412 to the
25 intersect of Guadalupe County Road 412 and Guadalupe County Road
26 411 A.

27 THENCE east along Guadalupe County Road 411 A to the

1 intersect of Guadalupe County Road 411 A and Farm-to-Market road
2 number 725.

3 THENCE north along Farm-to-Market Road 725 to the intersect
4 of Farm-to-Market Road 725 and Interstate Highway 10.

5 THENCE east along Interstate Highway 10 to the intersect of
6 Interstate Highway 10 and State Highway 90.

7 THENCE east along State Highway 90 to the Guadalupe
8 County-Caldwell County line at the San Marcos river.

9 THENCE northwest along the Guadalupe County-Caldwell County
10 line along the San Marcos river to the place of beginning; and

11 (7) the part of Atascosa County beginning on the north
12 line of the Robt. C. Rogers Survey, at the Bexar County-Atascosa
13 County line, to its northwest corner, which is the northeast corner
14 of the F. Brockinzen Survey, Abstract 86;

15 THENCE south along the east line of said Survey passing
16 through its southeast corner and continuing south along the east
17 line of the F. Brockinzen Survey, Abstract 90, to its southeast
18 corner;

19 THENCE west along the south line of said survey to its
20 southwest corner;

21 THENCE north along the west line of said F. Brockinzen Survey
22 to the southeast corner of the B. Bonngartner Survey, Abstract 87;

23 THENCE west along the south line of said B. Bonngartner
24 Survey passing through its southwest corner and continuing along
25 the south line of the J. B. Goettlemann Survey, Abstract 309, to the
26 Atascosa County-Medina County line;

27 THENCE north along the Atascosa County-Medina County line to

1 the Bexar County line;

2 THENCE east along the Atascosa County-Bexar County Line to
3 the place of beginning.

4 SECTION 5. AMENDMENT. Section 1.08, Chapter 626, Acts of
5 the 73rd Legislature, Regular Session, 1993, is amended by amending
6 Subsection (b) and adding Subsections (b-1), (b-2), and (b-3) to
7 read as follows:

8 (b) The authority's powers regarding underground water
9 apply only to underground water within or withdrawn from:

10 (1) the aquifer; or

11 (2) any other underground water resource in Kinney
12 County.

13 (b-1) With respect to underground water in Kinney County
14 that is not water of the aquifer:

15 (1) Sections 1.01, 1.13 through 1.21, 1.23, 1.25,
16 1.26, 1.28(a) and (b), 1.29 through 1.34, and 1.41 through 1.45 of
17 this article do not apply;

18 (2) Section 36.205(e)(1), Water Code, does not apply;
19 and

20 (3) the authority has all the rights, powers,
21 privileges, authority, functions, and duties provided by:

22 (A) the applicable provisions of this article;

23 (B) the general law of this state applicable to a
24 groundwater conservation district created under Section 59,
25 Article XVI, Texas Constitution, including Chapter 36, Water Code;
26 and

27 (C) Chapter 49, Water Code, as that chapter

1 applies to an authority created under Section 59, Article XVI,
2 Texas Constitution.

3 (b-2) With respect to that part of Kinney County west of the
4 western hydrologic division, Section 36.201(c), Water Code, does
5 not apply to or restrict the authority's continuing imposition of
6 an ad valorem tax not to exceed 10 cents on each \$100 of assessed
7 valuation.

8 (b-3) This section ~~[subsection]~~ is not intended to allow the
9 authority to regulate surface water.

10 SECTION 6. AMENDMENT. Subsection (n), Section 1.093,
11 Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993,
12 is amended to read as follows:

13 (n) District 14 is composed of Kinney County and that part
14 of Uvalde County BNA 9502 included in block groups 3 and 4 and
15 blocks 102, 103, 106, 117, 140, 142, 201, 202, 203, 204, 206, 207,
16 208, 209, 210, 211, 212, 213, 214, 215, 216A, 216B, 217, 218, 219,
17 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232,
18 233, 234, 235, 236, 237, 238, 239A, 239B, 240, 241, 242, 243, 244,
19 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257,
20 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270,
21 271, 272, 273, 274, 278, 279, 280, 281, 282, 283, 284, 285, 286,
22 288, 296, 297, 299, 299R, 521, 522, 523, 524, 525, 526, 527, 528,
23 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, and 541;
24 and that part of Uvalde County BNA 9503 included in block groups 2,
25 3, 4, 5, 6, and blocks 101B, 101C, 102, 103, 104, 105, 106, 107, 108,
26 109A, 109B, 110, 111, 112, 113, 114, 115, 116A, 116B, 116C, 117A,
27 117B, 118, 119, 120, 121, 122, 123, 124, 126, 133, 134, 135, 136,

1 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149,
2 150, 151, 152, 153, 154, 155, 156, 164A, 164B, 165, 166, 167, 168,
3 169, 170, 171, 172, 173, and 174; and that part of Uvalde County BNA
4 9504 included in block group 4 and blocks 314, 316, and 319; and
5 that part of Uvalde County BNA 9505 included in block groups 2 and 3
6 and blocks 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123,
7 124, 125, 126A, 126B, 126C, 127, 128, 129, 130, 131, 132, 133, 134,
8 135, 136, 137, 138, 139A, 139B, 140, 141, 142A, 142B, 143A, 143B,
9 144, 145, 146, 147, 148, 149A, 149B, 150, 151, and 152.

10 SECTION 7. AMENDMENT. Subsection (a), Section 1.10,
11 Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993,
12 is amended to read as follows:

13 (a) The South Central Texas Water Advisory Committee shall
14 advise the board on downstream water rights and issues. The
15 advisory committee consists of one member appointed by the
16 governing body of each of the following counties and
17 municipalities, except that Atascosa County may not have a
18 representative on the advisory committee when the county has a
19 representative member on the board:

- 20 (1) Atascosa;
- 21 (2) Caldwell;
- 22 (3) Calhoun;
- 23 (4) Comal;
- 24 (5) DeWitt;
- 25 (6) Goliad;
- 26 (7) Gonzales;
- 27 (8) Guadalupe;

- 1 (9) Hays;
2 (10) Karnes;
3 (10-a) Kinney;
4 (11) Medina;
5 (12) Nueces;
6 (13) Refugio;
7 (14) San Patricio;
8 (15) Uvalde;
9 (16) Victoria;
10 (17) Wilson;
11 (18) the City of San Antonio;
12 (19) the City of Victoria; and
13 (20) the City of Corpus Christi.

14 SECTION 8. AMENDMENT. Subsection (g), Section 1.14,
15 Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993,
16 is amended to read as follows:

17 (g) The authority by rule may, in accordance with
18 hydrogeologic research:

- 19 (1) define other pools within the aquifer;
20 (2) [~~in accordance with hydrogeologic research, and~~
21 may] establish index wells for any pool to monitor the level of the
22 aquifer to aid the regulation of withdrawals from the pools; or
23 (3) more accurately define and locate the western
24 hydrologic division in Kinney County.

25 SECTION 9. AMENDMENT. Section 1.16, Chapter 626, Acts of
26 the 73rd Legislature, Regular Session, 1993, is amended by adding
27 Subsection (b-1) to read as follows:

1 (b-1) An existing user withdrawing underground water from
2 the portion of the aquifer in Kinney County must file a declaration
3 of historical use on or before March 1, 2006, on a form prescribed
4 by the board. An applicant for a permit must timely pay all
5 application fees required by the board.

6 SECTION 10. AMENDMENT. Section 1.17, Chapter 626, Acts of
7 the 73rd Legislature, Regular Session, 1993, is amended by adding
8 Subsections (a-1) and (e) to read as follows:

9 (a-1) Subsection (a) of this section does not apply to a
10 person who, on September 1, 2005, owns a producing well located in
11 Kinney County and uses the well to withdraw water from the aquifer.
12 A person who, on September 1, 2005, owns a producing well in Kinney
13 County that withdraws water from the aquifer may continue to
14 withdraw and beneficially use water without waste until final
15 action on permits by the authority if:

16 (1) the well is in compliance with all statutes and
17 rules relating to well construction, approval, location, spacing,
18 and operation; and

19 (2) the person files a declaration of historical use
20 as prescribed by Section 1.16(b-1) of this article.

21 (e) Subsection (d) of this section does not apply to a well
22 described by Subsection (a-1) of this section. Interim
23 authorization for a well described by Subsection (a-1) of this
24 section ends on:

25 (1) entry of a final and appealable order by the
26 authority acting on the application for the well; or

27 (2) March 1, 2006, if the well owner has not filed a

1 declaration of historical use.

2 SECTION 11. AMENDMENT. Subsection (b), Section 1.18,
3 Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993,
4 is amended to read as follows:

5 (b) The authority may not consider or take action on an
6 application relating to a proposed or existing well of which there
7 is no evidence of actual beneficial use before June 1, 1993, until a
8 final determination has been made:

9 (1) on all initial regular permit applications
10 submitted on or before the initial application date of March 1,
11 1994; or

12 (2) on all initial regular permit applications
13 submitted for aquifer use in Kinney County on or before the initial
14 application date of March 1, 2006.

15 SECTION 12. AMENDMENT. Subsection (c), Section 1.34,
16 Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993,
17 is amended to read as follows:

18 (c) A permit holder may lease permitted water rights, but a
19 holder of a permit to use water from the aquifer for irrigation use
20 may not lease more than 50 percent of the irrigation rights
21 initially permitted. The user's remaining irrigation water rights
22 must be used in accordance with the original permit and must pass
23 with transfer of the irrigated land.

24 SECTION 13. REPEALER. Chapter 1344, Acts of the 77th
25 Legislature, Regular Session, 2001, is repealed.

26 SECTION 14. TRANSITION: DISSOLUTION AND RULES. (a) On the
27 effective date of this Act:

1 (1) all the powers, duties, rights, assets, and
2 obligations of the Kinney County Groundwater Conservation District
3 become the powers, duties, rights, assets, and obligations of the
4 Edwards Aquifer Authority;

5 (2) all records, supplies, and other property relating
6 to the administration of the Kinney County Groundwater Conservation
7 District shall be transferred to the Edwards Aquifer Authority; and

8 (3) the Edwards Aquifer Authority shall be
9 automatically substituted for the Kinney County Groundwater
10 Conservation District in any judicial or administrative proceeding
11 to which, on the effective date of this Act, the Kinney County
12 Groundwater Conservation District is a party or is sitting or
13 serving as an administrative, regulatory, or adjudicative body.

14 (b) On completion of the transfer under Subdivision (2),
15 Subsection (a) of this section, the Kinney County Groundwater
16 Conservation District is dissolved.

17 (c) Any rule adopted by the Kinney County Groundwater
18 Conservation District before the effective date of this Act that
19 relates to the management or control of the Edwards Aquifer is void.
20 Any rule adopted by the Kinney County Groundwater Conservation
21 District before January 1, 2005, that relates to the management or
22 control of underground water other than water of the Edwards
23 Aquifer is, on the effective date of this Act, a rule of the Edwards
24 Aquifer Authority and remains in effect until amended or repealed
25 by the authority.

26 SECTION 15. TRANSITION: PERMITS AND HEARINGS. (a) In
27 this section:

1 (1) "Authority" means the Edwards Aquifer Authority.

2 (2) "District" means the Kinney County Groundwater
3 Conservation District.

4 (b) Not later than the 90th day after the effective date of
5 this Act and in accordance with this section, the authority shall
6 review and act on each application for a historic or existing use
7 permit for underground water other than water of the Edwards
8 Aquifer that was filed with the district on or before December 31,
9 2003, in accordance with the district's rules then in effect.

10 (c) If the district reviewed an application for and granted
11 a permit before the effective date of this Act and the applicant did
12 not timely file a motion for rehearing on the application, the
13 applicant shall, on or before December 31, 2005:

14 (1) notify the authority in writing that the applicant
15 accepts the permit granted by the district; or

16 (2) file with the authority a motion to reconsider the
17 application and review the district record of the application.

18 (d) If an applicant accepts the district permit under
19 Subsection (c) of this section, not later than the 45th day after
20 the date on which the authority receives the applicant's
21 acceptance, the authority shall issue to the applicant a permit
22 that has terms and conditions consistent with the terms and
23 conditions of the district permit and authorizes production amounts
24 equal to the amounts authorized by the district permit.

25 (e) If an applicant does not timely file an acceptance or a
26 motion for reconsideration under Subsection (c) of this section,
27 not later than February 14, 2006, the authority shall issue to the

S.B. No. 1857

1 applicant a permit that has terms and conditions consistent with
2 the terms and conditions of the district permit and authorizes
3 production amounts equal to the amounts authorized by the district
4 permit.

5 (f) If an applicant timely files a motion for
6 reconsideration under Subsection (c) of this section, not later
7 than the 90th day after the date on which the authority receives the
8 motion, the authority shall review the district record of the
9 application and, after notice to the applicant and an opportunity
10 for a hearing, make an independent recommendation on the issuance
11 of a permit based on the district's rules in effect on January 1,
12 2004, regarding the issuance of historic or existing use permits
13 and evidence in the record, including any additional information
14 presented by the applicant during a hearing conducted by the
15 authority.

16 (g) If an applicant received a permit from the district and
17 timely filed a motion for rehearing with the district, the
18 authority shall review the permit issued by the district and the
19 hearing report prepared by the district's presiding officer, as
20 that hearing report may have been amended on the record during the
21 district's public hearing on the application, and:

22 (1) issue to the applicant a permit that has terms and
23 conditions consistent with the hearing report as it may have been
24 amended during the district's hearings on the permit and authorizes
25 production amounts equal to the amounts recommended by the report;
26 or

27 (2) if the authority finds, after notice to the

1 applicant and an opportunity for a hearing, that the
2 recommendations in the hearing report are not supported by any
3 evidence on the record, issue to the applicant a permit with terms,
4 conditions, and production amounts the authority determines are
5 supported by evidence on the record.

6 (h) If the district has not granted a permit to an applicant
7 who submitted an application before the effective date of this Act,
8 but the presiding officer of the district has prepared a hearing
9 report on the application and the district has held a public hearing
10 on the application, the authority shall review the hearing report
11 and any amendment to the report that may have been made on the
12 record during the hearing and:

13 (1) issue to the applicant a permit that has terms and
14 conditions consistent with the hearing report as it may have been
15 amended during the hearing and authorizes production amounts equal
16 to the amounts recommended by the report; or

17 (2) if the authority finds, after notice to the
18 applicant and an opportunity for a hearing, that the
19 recommendations in the hearing report are not supported by any
20 evidence on the record, issue to the applicant a permit with terms,
21 conditions, and production amounts the authority determines are
22 supported by evidence on the record.

23 (i) An applicant aggrieved by the authority's decision on a
24 permit issued by the authority under this section may file a motion
25 for rehearing with the authority not later than the 20th day after
26 the date on which the authority issues the permit to the applicant
27 in writing. Not later than the 45th day after the date on which the

1 authority receives the motion, the authority shall act on the
2 motion. If the authority does not act on the motion in the time
3 allowed, the motion for rehearing is overruled by operation of law.
4 The authority's decision on a permit is final and appealable when
5 the motion for rehearing is overruled, in whole or in part, by the
6 authority in writing or by operation of law. The timely filing of a
7 motion for rehearing is a prerequisite to an appeal of the
8 authority's decision on a permit issued under this section. An
9 applicant aggrieved by the authority's decision on the motion for
10 rehearing may appeal the authority's decision by filing suit in
11 district court under Subchapter H, Chapter 36, Water Code. On
12 appeal, the district court shall conduct a trial de novo on the
13 application.

14 SECTION 16. TRANSITION: APPOINTMENT TO SOUTH CENTRAL TEXAS
15 WATER ADVISORY COMMITTEE. As soon as practicable after the
16 effective date of this Act, the Kinney County Commissioners Court
17 shall appoint a member of the South Central Texas Water Advisory
18 Committee under Subsection (a), Section 1.10, Chapter 626, Acts of
19 the 73rd Legislature, Regular Session, 1993, as amended by this
20 Act.

21 SECTION 17. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.
22 (a) The legal notice of the intention to introduce this Act,
23 setting forth the general substance of this Act, has been published
24 as provided by law, and the notice and a copy of this Act have been
25 furnished to all persons, agencies, officials, or entities to which
26 they are required to be furnished under Section 59, Article XVI,
27 Texas Constitution, and Chapter 313, Government Code.

1 (b) The governor has submitted the notice and Act to the
2 Texas Commission on Environmental Quality.

3 (c) The Texas Commission on Environmental Quality has filed
4 its recommendations relating to this Act with the governor,
5 lieutenant governor, and speaker of the house of representatives
6 within the required time.

7 (d) All requirements of the constitution and laws of this
8 state and the rules and procedures of the legislature with respect
9 to the notice, introduction, and passage of this Act are fulfilled
10 and accomplished.

11 SECTION 18. EFFECTIVE DATE. This Act takes effect
12 September 1, 2005.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 29, 2005

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1857 by Madla (Relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DLBa

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 27, 2005

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1857 by Madla (Relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:


LBB Staff: JOB, WK, DLBa

PUBLISHER'S AFFIDAVIT

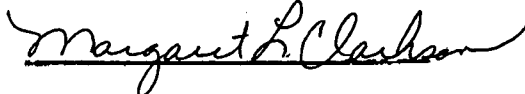
STATE OF TEXAS

COUNTY OF Guadalupe

Before me, a Notary Public in and for Guadalupe County, Texas, this day personally appeared Tommy Crow, in his/her capacity as Publisher of the Seguin Gazette, news paper of general paid circulation in Guadalupe County(s), who, being duly sworn, states that the attached Notice of Intent to File Legislation was published in Seguin Gazette on February 24, 2005.


Tommy Crow
 Affiant's Printed Name

Sworn to and subscribed before me this 24
 day of February, 2005.

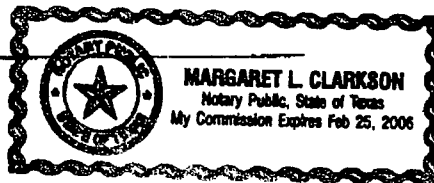

Margaret L. Clarkson
 Notary's Printed Name

My Commission Expires: 2-25-06

110 Legal Notices's Seal:

NOTICE

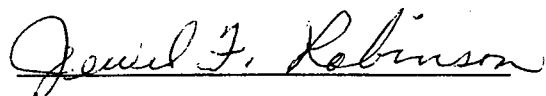
This is to give notice of intent to introduce in the 79th Legislature, Regular Session, a bill to be entitled "an Act relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority", which legislation includes the dissolution of Kinney County Groundwater Conservation District, and the transfer of the jurisdiction, authority, assets and liabilities of the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority.



March 7, 2005

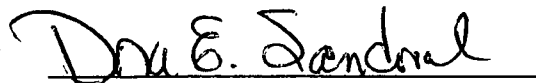
BEFORE ME, the undersigned authority, personally appeared Jewel F. Robinson, publisher of The Brackett News, Inc., a newspaper published in the City of Brackettville, Texas, who, being by me, duly sworn upon oath, deposes and says: That said newspaper is of general circulation in the State of Texas County of Kinney.

Public Notice attached, was published in said newspaper, in its issue(s) of March 03, 2005 and said newspaper devotes not less than twenty-five (25%) of its total column lineage to items of general interest, is published not less frequently than once each week, entered as second-class postal matter in the city where it is published regularly and continuously for not less than (12) months prior to the date of the publication of said attachment.



Jewel F. Robinson - Publisher

SUBSCRIBED BEFORE ME, this the 7th day of March, 2005.



Notary Public, State of Texas

Kinney County Clerk

My Commission Expires 12-31-07

PUBLIC NOTICE

THIS IS TO give notice of intent to introduce in the 79th Legislature, Regular Session, a bill to be entitled "an Act relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority"; which legislation includes the dissolution of Kinney County Groundwater Conservation District and the transfer of the jurisdiction, authority, assets and liabilities of the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority.

STATE OF TEXAS)
BEXAR COUNTY)

BEFORE ME, the undersigned authority;

personally appeared SALLY CALDWELL
to me personally known to be the Bookkeeper

of THE HEARST CORPORATION (SAN ANTONIO EXPRESS-NEWS DIVISION), DAILY NEWSPAPERS
published in the City of San Antonio, in the county and state aforesaid, and being by me first duly sworn,
disposes and says that the advertisement of
ACCT#018563602
WINSTEAD

appeared in all editions of said newspaper on the following dates:

2/24/2005

AD#14965

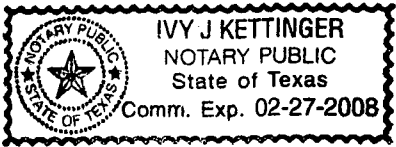
APPS .01

NOTICE
This is to give notice of intent to introduce in the 79th Legislature, Regular Session, a bill to be entitled "an Act relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority"; which legislation includes the dissolution of Kinney County Groundwater Conservation District, and the transfer of the jurisdiction, authority, assets and liabilities of the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority.

Sally Caldwell
BOOKEEPER

Subscribed and sworn to this 8TH day of MARCH 2005

Ivy J. Kettinger
Notary Public, State of Texas



My commission
Expires 2/27/2008

THE NEW BRAUNFELS HERALD-ZEITUNG
NEW BRAUNFELS, TEXAS

NEW BRAUNFELS HERALD-ZEITUNG

ATTN: WENDY FOSTER
WINSTEAD SECHREST & MINI
401 CONGRESS AVE SUITE 2100
AUSTIN TX 78701

REFERENCE: 12542697
1090944 INV 5530/NOTICE

STATE OF TEXAS
COUNTY OF COMAL

Before me, the undersigned authority, on this day,
personally appeared, Vilma Z Linares, who being
duly sworn, deposes and says that she is the
Operations Director at the New Braunfels
Herald-Zeitung: that said newspapers is regularly
published in Comal County and generally circulated
in Comal, Guadalupe, Hays, and Bexar
counties, Texas: that the attached notice was
published on the following date.

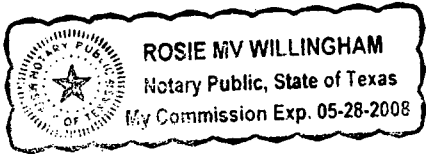
Vilma Z Linares

Vilma Z Linares--Operations Director

PUBLISHED ON: 02/24

FILED ON: 03/01/05

Subscribed and sworn before me this 1st of March
2005 A.D.



Rosie MV Willingham
Notary Public

110 Legal Notices

NOTICE


This is to give notice of intent to introduce in the 79th Legislature, Regular Session, a bill to be entitled "an Act relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority"; which legislation includes the dissolution of Kinney County Groundwater Conservation District, and the transfer of the jurisdiction, authority, assets and liabilities of the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority.

PUBLISHER'S AFFIDAVIT

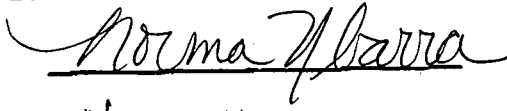
STATE OF TEXAS

COUNTY OF UVALDE

Before me, a Notary Public in and for Uvalde County, Texas, this day personally appeared Craig Garnett, in his/her capacity as Publisher of the Uvalde Leader-News, news paper of general paid circulation in Uvalde, Real, Zavala, Kinney, Edwards County(s), who, being duly sworn, states that the attached Notice of Intent to File Legislation was published in The Uvalde Leader-News on February 24, 2005.

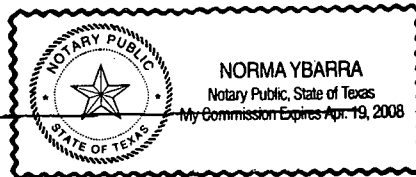

Craig Garnett
Affiant's Printed Name

Sworn to and subscribed before me this 28
day of February, 2005.


Norma Ybarra
Notary's Printed Name

My Commission Expires: 4-19-2008

Notary's Seal:



NOTICE

This is to give notice of intent to introduce in the 79th Legislature, Regular Session, a bill to be entitled "an Act relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority"; which legislation includes the dissolution of Kinney County Groundwater Conservation District, and the transfer of the jurisdiction, authority, assets and liabilities of the Kinney County Groundwater Conservation District to the Edwards Aquifer Authority.

THE STATE OF TEXAS }
County of Hays: }

Before me, the undersigned, holding the office of Notary Public in and

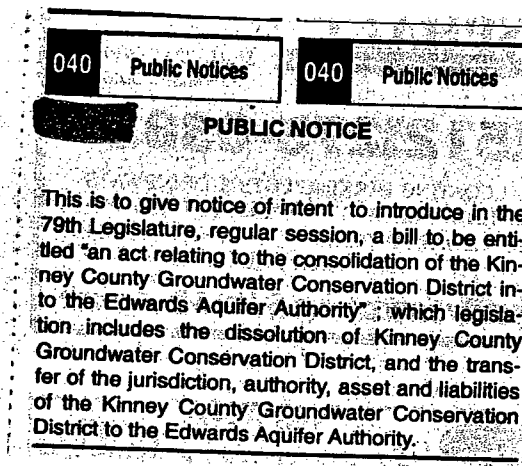
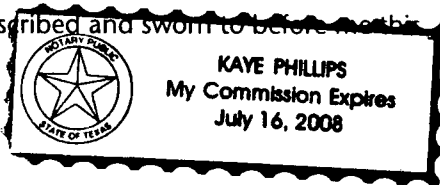
for Hays County, Texas, personally appeared Cheryl Sosa,
who states under oath that he is the publisher of the San Marcos Daily Record, a newspaper which has been
regularly and continuously published in San Marcos, Hays County, Texas, for a period of more than one
year immediately preceding the date of publication of this notice and that the Notice by Publication hereto
attached was published in the regular edition of said newspaper for a period of _____

_____ on the following dates
February 24, 2005, _____, 20_____
_____, 20_____, _____, 20_____
_____, 20_____, _____, 20_____
_____, 20_____, a printed clipping of said notice being hereto attached.

The said publisher further states that the rate charged for this publication is the lowest rate charged
commercial advertisers for the same class of advertising for a like amount of space.

(Signed) Cheryl Sosa
Publisher Advertising Director

Subscribed and sworn to before me this 24 day of February, 2005
Kaye Phillips



S.B. No. 1857

By Mack

A BILL TO BE ENTITLED

AN ACT:

relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority.

_____ Filed with the Secretary of the Senate
APR 14 2005 Read and referred to Committee on NATURAL RESOURCES
_____ Reported favorably _____
MAY 03 2005 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
_____ Ordered not printed
_____ Laid before the Senate
MAY 16 2005 Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays
MAY 16 2005 Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays
MAY 16 2005 Senate and Constitutional 3 Day Rule suspended by a vote of 29 yeas, 0 nays.
MAY 16 2005 Read third time, _____, and passed by: { A viva voce vote
29 yeas, 0 nays

Latey Law
SECRETARY OF THE SENATE

OTHER ACTION:

May 16, 2005 Engrossed
May 16, 2005 Sent to House

Engrossing Clerk Mardi Alleyant

MAY 16 2005 Received from the Senate
MAY 16 2005 Read first time and referred to Committee on Natural Resources
_____ Reported _____ favorably (as amended) (as substituted)
_____ Sent to Committee on (Calendars) (Local & Consent Calendars)
_____ Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)
_____ Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting.
_____ Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)
_____ Returned to Senate.
_____ Returned from House without amendment. CHIEF CLERK OF THE HOUSE
_____ Returned from House with _____ amendments.
_____ Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays